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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 95

Other Items

Prosecution Basic Information on I. G. Farben
(English and German)

Prosecution Opening Statements
(English and German) and Preliminary Briefs (English)

Prosecution Final Brief, Parts I-V
(English)



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst-Buerger: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Bueteffisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteftisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteftisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteftisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Target 1

Prosecution Basic Information on I. G. Farben

(English)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

MILITARY TRIBUNAL NO. 6

CASE NO. 6

BASIC INFORMATION

on

I.G. FARBENINDUSTRIE

Vol. I

Submitted by the
CHIEF OF COUNSEL FOR WAR CRIMES

Nurnberg, Germany -
20 August 1947

Aug 21



INTRODUCTION

This "Basic Information on I.G. FARBEINDUSTRIE" is made up in the form of a ready reference manual with an appropriate table of contents. Some of the items in the Basic Information, such as the charts, have been authenticated and will be offered in evidence later. Many of the listings of membership in the governing bodies and main committees have been compiled from documents which will be offered in evidence later. However, it is not intended that the Basic Information itself be considered as evidence.

EINFÜHRUNG

Diese "Erste Einführung in die I.G. FARBEINDUSTRIE" ist in der Form eines handlichen Nachschlagewerkes mit einem Inhaltsverzeichnis zusammengestellt worden. Teile dieser "Ersten Einführung", z.B. die Tafeln, tragen eine beglaubigte Bestätigung und werden später als Beweismaterial unterbreitet werden. Viele Mitgliederlisten der leitenden Gremien und Hauptkomitees sind aus Dokumenten zusammengestellt worden, die späterhin als Beweismaterial unterbreitet werden. Es ist aber nicht beabsichtigt, dass diese "Erste Einführung" selbst als Beweismaterial zu betrachten ist.



BASIC INFORMATION
on
I.G. FARBEINDUSTRIE

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I. SOME MAIN FORMS OF GERMAN BUSINESS
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I. SOME COMPARISONS TO AMERICAN FORMS AND AMERICAN LAW

1. The German law of business associations, like the American, distinguishes between forms of enterprise which are juristic persons and those which are not, such as partnerships. The latter, however, may have some of the characteristics of enterprises which are juristic persons. Under each of these two principal categories, there are various forms of enterprises in which the responsibility and the liability of the sponsors of the enterprise may vary. German enterprises which are juristic persons are hereinafter referred to as corporations. Like American corporations, German corporations can hold legal rights and powers in the same general way as a natural person, but the liability of the owners or shareholders is limited to the amount of their investment in the enterprise.

2. Among the principal forms of business enterprise which are corporations or juristic persons under German law are: The Aktiengesellschaft or "A.G." (roughly translated as "stock corporation"); the Gesellschaft mit beschränkter Haftung or "G.m.b.H." (company with limited liability); and the Bergrechtliche Gewerkschaft (roughly translated as "corporation under mining law"). The main forms of German business enterprises which are not juristic persons or corporations include the Offene Handelsgesellschaft or "o.H.G." (roughly a general partnership), and the Kommanditgesellschaft (roughly a limited partnership). I.G. Farben was established as an "A.G." in December 1925.

II. FORMS OF GERMAN ENTERPRISE WHICH ARE JURISTIC PERSONS

A. Aktiengesellschaft (A.G.)

1. The A.G. is most similar to an American stock corporation. It is created by the filing and recording of articles of incorporation generally called the "Gesellschaftsvertrag" (before 1937) and the "Satzung" (after 1937). Ownership of the A.G. is divided into shares (Aktien) made evident by stock certificates which are either registered or bearer shares. Under the German law both common and preferred shares are guaranteed a voting right and it is possible for the preferred

share to have voting power beyond the voting power of the common share. For instance, in I.G. Farben the preferred shares for many years had ten votes as against one vote for a common share of equal par value (Articles of Incorporation, Paragraph 34). The capitalization of an A.G. generally must amount to not less than 500,000 Marks.

2. In an A.G. there are two governing boards, one charged with general supervision, the other with actual management. These two boards are the Aufsichtsrat, often translated as "Supervisory Board of Directors", and the Vorstand, often translated as the "Managing Board of Directors". Sometimes both the Aufsichtsrat and the Vorstand have been translated as "Board of Directors". To avoid confusion the use of the German terms instead of translations is generally preferred. Generally speaking these two boards, taken together, exercise the functions ordinarily performed by the board of directors of an American corporation. However, taken individually or together, these two boards are not the precise functional equivalent of the American Board of Directors. The general features of the Aufsichtsrat and the Vorstand in German law and practice in the typical case are as follows:

AUFSICHTSRAT

3. The Aufsichtsrat is a supervisory board of directors elected by the stockholders at the annual meeting generally called the "Generalversammlung" (before 1937) and the "Hauptversammlung" (after 1937). With some notable exceptions, the members of the Aufsichtsrat appear to correspond functionally with those members of the board of directors of a major American corporation who are not members of the executive committee and who do not participate in the actual or day to day management of the business. The formal rights and duties of the Aufsichtsrat under German law include the election, supervision and removal of the members of the Vorstand; the general supervision of the management of the enterprise by the Vorstand; the right to examine and audit books and accounts; the calling of shareholders meetings; and the representation of the corporation in dealing with the Vorstand.

Of course, the extent to which the Aufsichtsrat in practice exercises these powers to influence the activities of an A.G. depends upon a number of factors, including, for example, who owns or controls the stock.

VORSTAND

4. The Vorstand is the executive board of directors, which undertakes the actual management of the corporation generally and represents the corporation in its dealings with others. The members of the Vorstand can best be compared functionally with the principal officers of a major American corporation who serve on the executive committee and participate in the actual management of the corporation. In 1937 there was a general revision of German corporation law (1937 RGBl., Part I, page 107, dated 30 January 1937 and supplementary decrees thereto). Under the revised law, as construed by legal authorities in Germany, the Chairman of the Vorstand could either be the dominant and decisive leader of the enterprise (the "Fuehrer") or he could be "first among equals" (primus inter pares) in the Vorstand, in which case the Vorstand as a body was the "Fuehrer" or dominant leader of the enterprise. ("Aktiengesetz, Gesetz über Aktiengesellschaften und Kommanditgesellschaften auf Aktien vom 30. Januar, 1937", commentary by Dr. Franz Schlegelberger, State Secretary in the Reich Ministry of Justice, and others, Berlin 1939, pages 235 and 238). In I.G. Farben, the second alternative was chosen and followed.

5. As between Vorstand and Aufsichtsrat, the 1937 revision of the law is generally considered as having reduced the power and the importance of the Aufsichtsrat. Among other things it provided that the Aufsichtsrat could not remove members of the Vorstand before the expiration of their terms except "for just cause". The distribution of de facto power and authority as between Vorstand and Aufsichtsrat, on the one hand, and the actual influence of the stockholders, on the other hand, will vary from enterprise to enterprise and from time to time depending on special facts and circumstances. For example, the

owner of a majority of the stock can be the dominant influence in an A.G. whether he is a member of the Vorstand, of the Aufsichtsrat, or of neither, since the majority stockholder can select members of the Aufsichtsrat, who in turn select the members of the Vorstand.

ANNUAL STOCKHOLDERS' MEETING

5. At the regular annual meeting, the stockholders or their duly authorized representatives have the right to ask for information on the annual report of the Aufsichtsrat and the Vorstand and on the general management of the business. The annual shareholders meeting exonerates the members of the Aufsichtsrat and the Vorstand for the discharge of their duties. It also approves amendments to the articles of incorporation and increases in capital.

B. Gesellschaft mit beschränkter Haftung (G.m.b.H.)

1. "Gesellschaft mit beschränkter Haftung" may be literally translated as "company with limited liability", but ordinarily it is referred to in the documents by the German abbreviation "G.m.b.H.". The G.m.b.H. was originally designed to give smaller businesses a possibility of operating with limited liability. The minimum required capitalization was only 20,000 marks. The formalities of forming a G.m.b.H. are simpler than in the case of an A.G. The participant's interest in the G.m.b.H. is usually not made evident by written instrument, and if it is, such an instrument is not readily negotiable.

2. The management of the G.m.b.H. is vested in one or more persons called "Geschäftsführer" (business manager). There is no Vorstand and an Aufsichtsrat is not prescribed by law. If there is an Aufsichtsrat the statute provides that it shall be governed by the rules applying to the Aufsichtsrat of an A.G. unless the articles of incorporation provide to the contrary. The supervisory body performing the functions of an Aufsichtsrat in a G.m.b.H. may be called a "Verwaltungsrat" (Administrative Council) or a "Beirat" (Advisory Council). The difference is principally one of name only. A number of the subsidiary corporations which Farben owned or controlled were

G.m.b.H.'s with an Aufsichtsrat. For example, Buna Werke G.m.b.H.; Anorgana G.m.b.H.; and Chemische Werke Huls G.m.b.H. In the occupied parts of the Soviet Union, special corporations were established to undertake production. Ordinarily such corporations were G.m.b.H.'s with a Verwaltungsrat. Among such special corporations in which I.G. Farben held a substantial participation were the Chemie Ost G.m.b.H. and the Stickstoff Ost G.m.b.H. After Farben acquired title to the large Polish dyestuff plant "Boruta" in occupied Poland, the subsidiary corporation formed to operate the plant was the Teerfarbenwerke Litzmannstadt G.m.b.H.

C. Bergrechtliche Gewerkschaft

1. This type of corporation was exclusively established for mines under the mining law. A number of the mining enterprises owned and controlled by I.G. Farben adopted this corporate form. (For example, Gewerkschaft Augusto Victoria and Gewerkschaft Klara-Verein). The shares (usually 1000 in number) were called "Kuxe" which represented a fraction of the corporation's assets but had no nominal or par value. The shareholder ("Gewerke") was not personally liable to the corporation's creditors. The Gewerkschaft obtained capital by assessing its members who, however, had the right to escape such liability by surrendering their shares. The Gewerkschaft is managed by a Vorstand and it may have an Aufsichtsrat.

III. FORMS OF GERMAN ENTERPRISE WHICH ARE NOT JURISTIC PERSONS

A. Offene Handelsgesellschaft (o.H.G.)

1. This form of enterprise corresponds essentially to the American general partnership. Generally each partner has power to act for the partnership and is personally liable for partnership debts. The o.H.G. was used seldom, if at all, by I. G. Farben.

B. Kommanditgesellschaft (K.G.)

1. This corresponds to the American limited partnership. The general partner has the exclusive right and power to represent and manage the partnership. The general partner of the American law

is called under German the "Komplementär" or the "persönlich haftende Gesellschafter" ("personally liable partner"). The limited partner is called "Kommanditist". This form of business enterprise was used occasionally by I.G. Farben, which owned or held substantial participations in a number of K.G.'s, including Kluesener & Co., K.G.; Bourjan & Co., K.G.; Kupferkette Ertel, Bieler & Co., K.G., and Friedrich Uhde, K.G.

IV. COMBINATIONS OF GERMAN BUSINESS ENTERPRISES

1. Combinations of business enterprises in Germany are much more predominant than in the United States. Combination was sometimes compulsory. Under German law and business practice there were numerous forms of combines of business enterprises, among them the following:

A. "Konzern" (Concern)

(1) This was defined in German corporation law as a group of legally separate enterprises which, functionally, were under unified direction. I.G. Farben was sometimes referred to as a "Konzern", particularly because it included a large number of legally separate enterprises and possibly because it included, after 1935, a number of large enterprises which previously were separate legal entities.

B. "Interessen-Gemeinschaft"

(1) This means literally a "community of interests". A community of interests usually consisted of an agreement on such matters as pooling of profits; coordination of production and research; division of markets; determination of prices; and patent practices. Between 1916 and 1925, eight major German chemical firms were bound together in a community of interests, often referred to as the old "I.G." for "Interessen-Gemeinschaft". This was probably the outstanding example of a community of interests - and when six of these firms finally merged in an A.G., the new corporate name became "I.G. Farbenindustrie A.G.", literally

meaning "Community of Interests of the Dye Industry, Inc.". Two other firms retained legally separate form, although they were controlled and principally owned and controlled by I.G. Farben (Kalle & Co., and Casella & Co. Casella was finally liquidated about 1937).

C. "Kartell" (Cartel)

(1) This is a combination of independent business units for the purpose of influencing the market by eliminating or regulating competition among themselves.

D. "Syndikat" (Syndicate)

(1) This is a type of cartel with a centralized sales and control organization, the latter usually in the form of an A.G. or G.m.b.H. I.G. Farben was a member of a number of syndicates of considerable importance. For example, the Stickstoff Syndikat G.m.b.H. was the German ^{nitrogen} syndicate for the determination of production quotas as well as for sales of nitrogen in Germany.

E. Special Statutory Cartels

(1) In some instances cartels were created by special statutory provisions giving them official regulatory powers and making membership compulsory for all members of an industry. An outstanding example is found in the compulsory coal syndicate created by a law of 23 March 1919, which replaced the former voluntary syndicates. I.G. Farben completely owned a number of coal corporations. (For example, Gewerkschaft Augusta Viktoria, Deutsche Grube A.G., Gewerkschaft Klara-Verein). I.G. Farben also had a community of interests agreement with Riebeck'sche Montanwerke A.G. by which I.G. Farben guaranteed the dividends of the Riebeck'sche Montanwerke A.G. and under which I.G. Farben could cause the conversion of all Riebeck'sche shares into I.G. shares. These mining corporations were required to belong to the German coal syndicates. The functions of the syndicate, ordinarily set up on a regional basis, was to buy all coal production within the area and to provide a central sales organization. At the same time the syndicate exerted broad control

over production. The influence of the individual producer as a member of the syndicate depended upon his share in the total production. The Minister of Economics possessed a veto over the actions and resolutions of the coal syndicates.

F. Corporate Affiliations Under German Tax Law (the "Schachtel-Privileg")

(1) This does not refer to a separate form of combination of business enterprises but to a concept of German income tax law for corporations. Dividends received by a corporation from another corporation in which it holds at least 25% of the stock are exempt from income taxation. The same principle applies to the property tax with respect to the ownership interest in a subsidiary.

II. GENERAL OUTLINES OF THE ORGANIZATION STRUCTURE OF

I.G. FARBEH

Any short statement of the nature of the organization of such a large and complex corporation as I.G. Farben is bound to be subject to many exceptions. However, taking account of such exceptions and of numerous special arrangements, there remains a major general pattern of organization for the years with which we here are principally concerned. ^{first} The ~~three~~ organizational charts hereinafter following should be helpful to the Tribunal in understanding how I.G. Farben was organized and administered, and how the individual defendants fitted into the structure. This outline does not attempt to go into the nature of the organization of I.G. Farben in relation to many of the subsidiary enterprises which were owned or controlled by I.G. Farben or enterprises which were controlled or influenced by I.G. Farben by virtue of various special arrangements.

Background of the Merger

In December 1925, I.G. Farben was established as an Aktiengesellschaft or "A.G." (stock corporation). The following six leading chemical firms of Germany were legally merged into the new corporation:

- Badische Anilin & Soda Fabrik, of Ludwigshafen (Badische)
- Farbenfabriken vorm. Friedr. Bayer & Co., of Leverkusen (Bayer)
- Farbwerke vorm. Meister Lucius & Bruening, of Hoechst. (Meister Lucius)
- Aktiengesellschaft fuer Anilinfabrikation, of Berlin (Agfa)

Chemische Fabriken vorm. Weiler - ter Meer, Uerdingen,

Chemische Fabrik Griesheim - Elektron, Frankfurt,

Two additional firms, Leopold Casella & Co., G.m.b.H., of Frankfurt, and Kalle & Co., A.G. of Biebrich, did not participate in the actual merger, but a preponderant majority of the stock of both these firms was owned by I.G. Farben from the time it was established.

The history of joint action between some of these firms goes back into the 19th century. The beginnings of a Community of Interests between these firms reaches back at least to 1904 when Meister Lucius and Casella formed a bipartite agreement (Zweibund) and Badische, Bayer, and Agfa entered into a tripartite agreement (Dreibund). All of these eight firms had been parties to a Community of Interests Agreement (Interessengemeinschaft or "I.G.") since August 1916. This Community of Interests was very far reaching, including an Association Council (Gemeinschaftsrat) empowered to exercise considerable control over production, marketing, research, etc. It also included an arrangement for pooling profits and distributing them between the eight member firms according to a fixed schedule.

Farben was an "A.G."

As an A.G., I.G. Farben was required by law to have two principal governing bodies; the Aufsichtsrat and the Vorstand. Since all or most of the leading officials of the predecessor firms were given membership in either the Aufsichtsrat or Vorstand of I.G. Farben at the time of the merger, it was felt that both of these governing bodies were too large for effective supervision and management of the new corporation. Therefore, smaller select groups were constituted from the membership of both the Aufsichtsrat and the Vorstand to perform the actual duties with which each was charged.

The Aufsichtsrat, The Verwaltungsrat of the
Aufsichtsrat, and the Aufsichtsrat Committee

The Aufsichtsrat, which in 1925 contained more than fifty members, (see listing of members hereinafter, p. 30) established a Verwaltungsrat ("Administrative Council") made up of 11 of its members to supervise the management of the corporation by the Vorstand (By-laws of the Verwaltungsrat, 9 January 1926. See listing of members hereinafter, p. 34). Some of the members of the Verwaltungsrat were designated to sit in the meetings of the Vorstand and some of the leading committees of the Vorstand where they were authorized to give counsel. In the early years some of the Verwaltungsrat members were quite active, but as time went on, the Verwaltungsrat became quite inactive due to the death or advancing age of its members. The Verwaltungsrat was abolished altogether in connection with the revision of the German law on corporations in 1937. However, after this reorganization, the Aufsichtsrat still had a small committee, called the Aufsichtsrat Committee. (See listing of members hereinafter, p. 36). It was specifically charged with certain personnel matters, including the fixing of the remuneration of Vorstand members. The Aufsichtsrat met three or four times a year to endorse formally the policies of the Vorstand. No instance is known when the Aufsichtsrat of I.G. Farben opposed any of the policies carried out by the Vorstand or when the Aufsichtsrat directed the Vorstand to carry out a particular policy. The only defendant who was a member of the Aufsichtsrat of I.G. Farben is the defendant KRAUCH, who was its chairman from 1940 to 1945. Prior to that time he was a leading member of the Vorstand.

The Working Committee of the Vorstand

The Vorstand in 1926 contained more than eighty members. (See listing of members hereinafter, p. 36). From this membership 26 persons were chosen to form a Working Committee

(Arbeitsausschuss) to undertake the actual management of the corporation (see listing of members of Working Committee hereinafter, p. 40). (By-laws for the Members of the Vorstand, 1926, ¶. Now appointments to

this select group tended only to compensate for withdrawals due to death, age, etc. Between 1926 and 1938, this select committee functioned as the responsible management of I.G. Farben instead of the entire Vorstand. The revision of the stock corporation laws in 1937 was opposed to any such delegation of authority and function by the Vorstand. Hence, the Working Committee was abolished. It held its last meeting on 7 April 1938.

The Vorstand since 1938

At the same time that the Working Committee of the Vorstand was abolished, the position of deputy Vorstand member was abolished. The Vorstand membership was reduced and restricted to persons actually participating in the management and direction of the corporation. It has been said that the old Working Committee became the new Vorstand for practical purposes, since the two were largely the same in function and composition. The new Vorstand contained about 27 members, more than twenty of whom had been regular members of the old Working Committee and several more of whom had been participants in the Working Committee even though not formally appointed to membership for one reason or another. Fifteen or sixteen of the defendants named in the indictment were members of the old Working Committee. Twenty of the defendants named in the indictment became members of the Vorstand after the Working Committee was abolished in early 1938. (See listing

of members hereinafter, p. 36. / The defendant SCHEMITE was chairman of the Vorstand from 1935 until the German collapse in 1945.

Responsibilities of the Vorstand

Following the requirements of German law, the new articles of incorporation taken out by I.G. Farben in 1938 provided that "The Vorstand shall conduct on its own responsibility the business of the corporation". The new 1938 By-laws of the Vorstand provided that the Vorstand should be called into general session about once a month. At these meetings each Vorstand member had the duty "to call attention to matters the knowledge of which is of importance to the other Vorstand members". It was specifically provided that as a rule a Vorstand member had to submit "to the full Vorstand for decision" all "particularly important matters, which go beyond the framework of the ordinary business conducted". Among the matters which ordinarily had to be submitted to the full Vorstand for decision were purchases of real property; new construction; securing or abandoning participations in other enterprises; purchase and sale of patents, licenses, and manufacturing secrets; the conclusion, extension, or abandonment of cartel and similar agreements; and other matters requiring the expenditure of funds. However, "as an exception", an individual Vorstand member was allowed to act on his own without Vorstand approval "if serious disadvantages would otherwise threaten", provided that "in the next session of the full Vorstand, a report is to be made concerning such independent action".

Fields of Special Responsibility of Vorstand Members

In addition to the overall responsibility of each Vorstand

member for the management of the corporation, each Vorstand member ordinarily was assigned a specific field of activity in which he was charged with special responsibilities on behalf of the entire Vorstand. In I.G. Farben the assignments were broadly distinguished between the technical and commercial fields and Vorstand members were ordinarily called either technical or commercial leaders. The first two organization charts hereinafter, pp. 25-27, show this division of working fields:

The Central Committee of the Vorstand

In 1930, a Central Committee of the Vorstand was established consisting of eight leading and representative members of the Working Committee. In early years this group acted more or less as an executive committee of the Working Committee and dealt with certain confidential matters not always brought to the attention of the entire Vorstand. The chairman of the Vorstand acted as the chairman of the Central Committee and the chairman of the Aufsichtsrat was regularly invited as a guest. After the defendant SCHMITZ succeeded Dr. Carl BOSCH as chairman of the Vorstand in 1935, the importance of the Central Committee as an executive committee declined. The Central Committee hereafter dealt principally with personnel matters, particularly the appointment of officials with the rank of "Prokurist" (persons possessing a general power of attorney) and above. The Central Committee continued in existence after the abolition of the Working Committee in early 1938 and until the German collapse in 1945. The defendants SCHMITZ and VON SCHNITZER were members of this committee from 1930 until the German collapse. Six other defendants were members for varying periods of time thereafter. (See listing of members of this committee hereinafter, p. 42.)

Technical Committee (TEA)

On the technical side, the Technical Committee (Technischer Ausschuss or TEA) was the principal Vorstand Committee. It was made up of all the technical members of the Vorstand and important technical leaders who were not Vorstand members, including managers of some of the major plants and some of the leading engineers. This committee was formed in 1926 immediately after the merger to deal with all technical questions of production and research, and expansion of Farben's business, and to make appropriate recommendations to the Vorstand for final approval. Requests for credit appropriations were consolidated and passed upon by the TEA. The Technical Committee remained active until 1945. From 1933 until 1945, the defendant TER MEER was its chairman. Numerous sub-committees, finally reaching more than thirty in number, grew up to cope with many specialized problems which could not fully be dealt with in the full Committee. The Technical Committee had an administrative office called the Office of the Technical Committee or the TEA-Bureau, the chief of which was Dr. Ernst STREUSS. Twelve of the defendants were regular members of the Technical Committee for substantial periods of time. Three other defendants were often visitors or guests. (See listing of members hereinafter, p. 43).

Technical Commission (TEKO)

One other committee on the technical side deserves special mention, the Technical Commission (Technische Kommission or "TEKO"), which was headed by the defendant JAEHNE from 1932 to 1945. TEKO dealt with general engineering problems. All recommendations for credit appropriations for engineering equipment, such as machinery and power plants, were passed upon by the TEKO before going to the Technical Committee.

The Three Sparten or Main Groups (Hauptgruppen)

In 1929, three main groups (Hauptgruppen), each headed by a leading Vorstand member, were established to achieve greater efficiency in production and research and greater coordination of the individual plants. Each directional group came to be known as a Sparte (plural in the German: Sparten) and its jurisdiction was determined by products rather than by plants or geographical location of plants. Hence a number of plants producing several products fell under the technical supervision and direction of more than one Sparte. Sparte I included nitrogen, synthetic fuels and lubricants, and coal; Sparte II included dyestuffs and intermediate dyestuffs products; various chemicals, both organic and inorganic; pharmaceuticals; buna; light metals; and chemical warfare agents. Sparte III, the smallest of the three, included photographic materials, synthetic fibres, cellulose products, and a few miscellaneous products produced by Kalle & Co., such as cellophane and osalid. The defendant KRAUCH was chief of Sparte I from 1929 until 1938. Thereafter the defendant SCHNEIDER was chief and the defendant BUETEFISCH deputy chief of Sparte I. From 1929 until 1945, the chiefs of Sparte II and Sparte III, respectively, were the defendants TER MEER and GAJESKI. Each Sparte had a permanent administrative office. (See listing of chiefs of Sparten hereinafter, p. 48). However, Sparte II used the office of the Technical Committee as its administrative office, since the defendant TER MEER was both the chief of Sparte II and the chairman of the Technical Committee.

The Works Combines (Betriebsgemeinschaften)

Just after the merger in 1925, I.G. Farben relied a great deal for general coordination upon combines of plants grouped more or less

according to geographical location. The four original Works Combines were called Upper Rhine, Main Valley (Middle Rhine before 1927 or 1928), Lower Rhine, and Central Germany. The fifth Works Combine, established in 1929, was called "Works Combine Berlin", although its plants were quite widely scattered. The plant^{also} combines effected certain economies in administration, transportation, storage, research, etc. After the creation of the Sparten in 1929, the coordination of plants by the Works Combines in major technical matters tended to decrease. Defendants who were chiefs or deputy chiefs of Works Combine were: the defendant WURSTER, Upper Rhine, 1940-1945; the defendant LAUTENSCHLAGER, Main Valley, 1938-1945; the defendant KUEHN, Lower Rhine, 1933-1945; the defendant JAEHN, deputy chief of Works Combine Main Valley, 1938-1945. (See listing of chiefs of the Works Combines, p. 49).)

The Plants

The major plants were usually under the direction of a Vorstand member who had his main office at the location of the plant. However, in some cases more than one Vorstand member was in charge of different technical divisions within one plant and in some cases one Vorstand member had direct supervision over more than one plant. Some of the plants under the direction of Vorstand members follow: Hoechst plant (various chemical products), the defendant LAUTENSCHLAGER; Schkopau plant (buna), the defendant AMEROS; Bitterfeld plant (magnesium, aluminum, and other products), the defendant BUEGIN; Wolfen-Film plant, the defendant GAJEWSKI; Oppau plant (nitrogen and other products), the defendant WURSTER; Leverkusen plant (pharmaceuticals and other products), the defendant KUEHN; Elberfeld plant (pharmaceuticals), the defendant HOERLEIN. At the Auschwitz plant, the defendant DIEREFELD was the

local manager. However, at the Auschwitz plant, the defendant AMEROS had supervision over Buna production and the defendant BUETEFISCH had supervision over the production of synthetic fuels. At the Ludwigshafen plant, the defendant AMEROS was in charge of organic production, whereas the defendant WURSTER was in charge of inorganic production. The defendant BUETEFISCH had supervision over the Leuna plant, although the plant had a local chief. Where the local manager of a plant was not a Vorstand member, he received directions and appropriate information from the Sparte head, the head of the appropriate Works Combine, or some other means of coordination and supervision by the Vorstand was devised. (For a listing of main plant leaders, see chart hereinafter, pa. 28).

Vermittlungsstelle W (Liaison Office Armed Forces)

In 1935 I.G. Farben formed a central office in Berlin for liaison with the Armed Forces, called Vermittlungsstelle W (Liaison Office Armed Forces) to assist in coordinating matters of military economy between I.G. Farben and the Wehrmacht (German Armed Forces). In the course of time, this agency came to deal with such matters as mobilization questions, mobilization plans, military security, counter-intelligence, secret patents, research for the Armed Forces, etc. Although its functions were principally administrative, it mainly dealt with matters in the technical field. Each of the Sparten designated a chief representative and collaborators to staff this office. The defendant WON DER HEYDE was connected with the counter-intelligence activities of this office.

Sales Combines

On the commercial side, sales of the products of I.G. Farben were carried out by sales combines or through special sales arrangements.

There were four principal sales combines, each with a Vorstand member as its chief. The chief of the Sales Combine Dyestuffs was the defendant VON SCHNITZLER. After 1943, the chief of the Sales Combine Chemicals was also the defendant VON SCHNITZLER and the defendant HAEFLIGER was one of three deputy chiefs. The defendant MANN was chief of the Sales Combine Pharmaceuticals. The Sales Combine Agfa (photographics and artificial fibers) was under the deceased Vorstand member OTTO. (for listing of chiefs, see table hereinafter, p. 51).

Other Sales Arrangements

Nitrogen was sold through the German nitrogen syndicate, the Stickstoff Syndikat G.m.b.H., the manager of which was the defendant OSTER. The chief of the sales organization for Farben synthetic fuels and lubricants in Berlin was not a Vorstand member.

"Mixed" Committees

Coordination between technical and commercial leaders of I.G. Farben was carried out first of all at the Vorstand level, where the preeminent technical and commercial leaders met to pass upon general policy and to hear and discuss reports of the individual Vorstand members on those fields where they had special responsibilities. However, a considerable number of matters requiring coordination between the commercial leaders of the Sales Combines and technical leaders from the Sparten and the main plants was worked out through so-called "Mixed Committees". The three main "Mixed Committees" were the Chemicals Committee (chief, after 1943, the defendant VON SCHNITZLER), the Dyestuffs Committee (chief, the defendant VON SCHNITZLER), and the Pharmaceuticals Main Conference (chief, the defendant HOERLEIN). Each of these committees included important technical and commercial leaders, including other defendants. (See

listings for each of these committees, pp. 53 to 56). The chiefs of these committees reported directly to the Vorstand. The technical members of these committees came from ~~Sparte~~ II, which had jurisdiction over almost all the products with which these committees were concerned.

Commercial Committee

Shortly after the merger, Farben had formed a Commercial Committee to assist the Vorstand in directing and coordinating commercial affairs. By 1933, this old Commercial Committee had become inactive. However, it appears the progress of events under Hitler's Third Reich raised problems of coordination which led to the reconstitution of the Commercial Committee (Kaufmännischer Ausschuß or KA) in August 1937. From then until 1945, the Commercial Committee was a very active and important committee of the Vorstand. Its chairman throughout was the defendant VON SCHNITZLER. Other members included the defendants HAEFLIGER, ILGNER, MANN, OSTER and KUGLER. (See listing hereinafter, pa. 46). The Commercial Committee generally met the day before the Vorstand and had general competence over commercial questions of common interest to more than one commercial division of the Farben organization.

Central Administrative Departments

To assist the Vorstand in the management of the entire concern, a number of central administrative departments grew up in I.G. Farben. Although many of the important tasks of these departments were concerned with technical matters, the main administrative officials were generally referred to as "commercial" leaders.

Berlin N.W. 7

A considerable number of central administrative agencies came to be located in that part of Berlin called NW 7 (abbreviation for

Nordwest 7) and hence came to be designated as I.G. Berlin NW 7 or merely "NW 7". NW 7 began in 1927 when the defendant ILGNER was placed in charge of the Central Finance Administration, commonly referred to as "ZEFI". The defendant SCHMITZ maintained his office in NW 7, even after he became chairman of the Vorstand in 1935. In 1929, an economic research department, commonly called VOWI, was added to the NW 7 organization. A Political-Economic Policy Department, commonly called WIPO, was added in 1933. Among other things its function was to assure close cooperation between the commercial departments of I.G. Farben and numerous government agencies. The office of the Commercial Committee (BdKA) was also located here. The overall chief of NW 7 was the defendant ILGNER.

Legal and Patents Departments

Most of the plants and all of the sales combines of I.G. Farben had legal departments and all the larger plants had patent departments. The work of the various legal and patent departments were coordinated along general lines by two Vorstand committees, the Legal Committee (Rechtsausschuss) and the Patent Commission (Patentkommission). The defendant VON KNIEREM was the chairman of both of these committees. The defendant VON KNIEREM was also the head of the legal and patents departments of the Ludwigshafen plant and under him these departments acted as a central clearing office for all major legal and patent questions of general interest.

Biero Bertrams

I.G. Farben had a central office for social welfare matters and the maintenance of labor statistics under the direct charge of Dr. Bertrams, which came to have the name "Biero Bertrams". After the defendant SCHNEIDER became chief of plant leaders (Hauptbetriebsfuhrer) in 1937, Biero Bertrams was under his direct supervision.

During the war it became important in connection with the procurement, utilization, and accommodation of foreign laborers.

Other Central Administrative Departments

The need for other central administrative departments became apparent soon after the merger. Between 1927 and 1930, the following central departments, among others, were established at the seat of the corporation at Frankfurt: the central bookkeeping department; the central insurance department; and the central tax department.

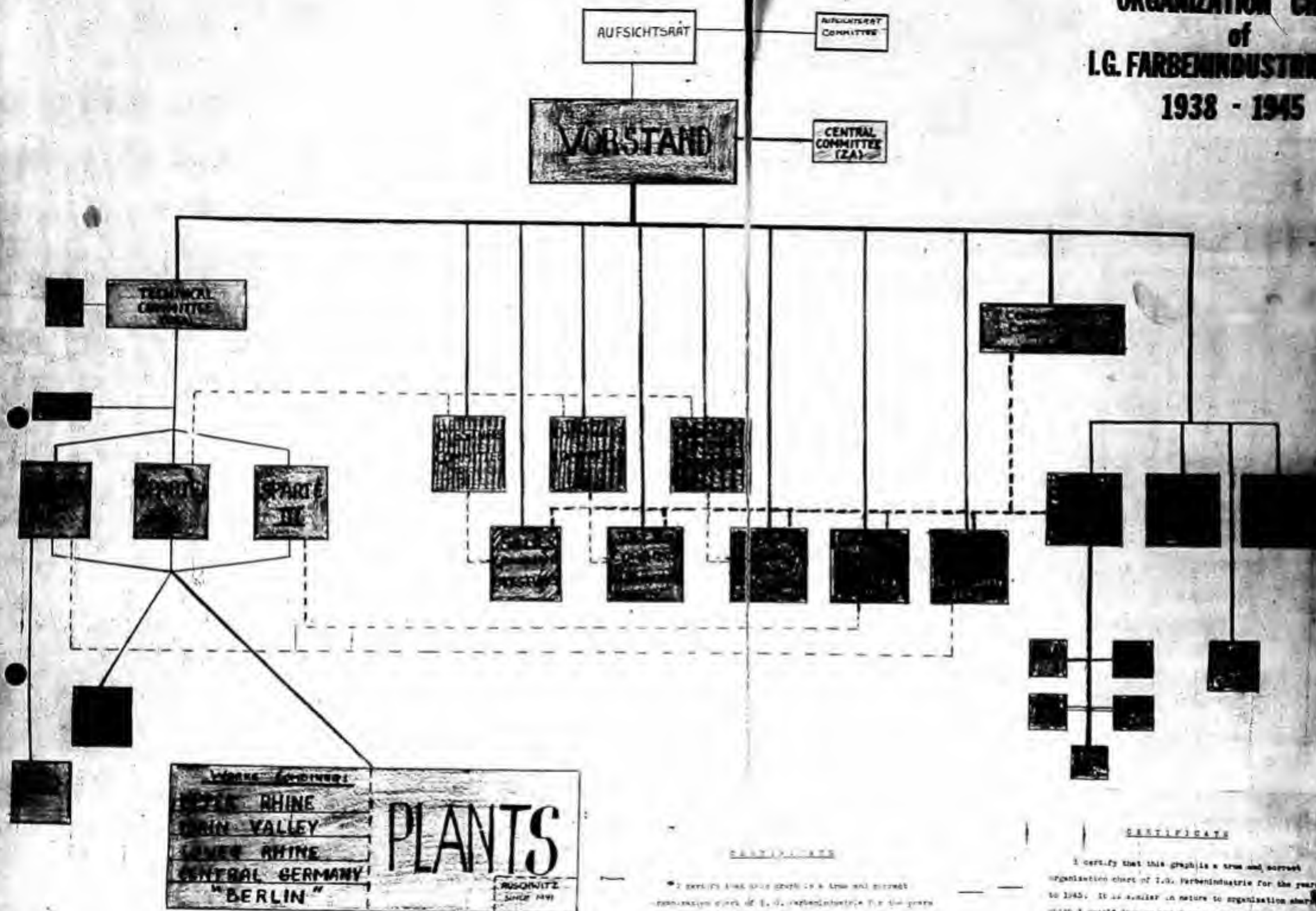
NOTE ON CHARTS

The following four charts have been authenticated by former high ranking officials of I.G. Farben. It should be understood that both the prosecution and the defense may desire to establish variations from these charts or to give a different emphasis than the charts may indicate without further explanation. However, it is generally believed that these charts present an accurate picture of the organization of I.G. Farben and of the principal plants owned and operated by I.G. Farben and by Dynamit Aktiengesellschaft (DAG).

BEMERKUNG ZU DEN SCHAUBILDERN

Die nachfolgenden vier Schaubilder sind von ehemaligen leitenden Angestellten der I.G. Farben bestätigt worden. Es muss festgestellt werden, dass sowohl die Anklagebehörde wie die Verteidigung es als wissenschaftlich erachten moegen, Abweichungen von diesen Darstellungen festzustellen oder besonderes Gewicht auf andere Darstellungsweisen zu legen, als die Schaubilder sie ohne weitere Erklärung aufzeigen. Im grossen und ganzen werden diese Schaubilder als ein genaues Bild der Organisation von I.G. Farben und den wichtigsten Werken, die der I.G. Farben und der Dynamit A.G. Nobel gehoerten oder von ihr betrieben wurden, bezeichnet.

ORGANIZATION CHART of I.G. FARBENINDUSTRIE A.G. 1938 - 1945



CERTIFICATE

I certify that this graph is a true and correct organization chart of I.G. Farbenindustrie for the years 1938 to 1945, except that the position of the three main divisions (Organic, Inorganic, and Pharmaceutical) shown in brackets below (shown in all but one instance) is indicated as indicated in the following caption.

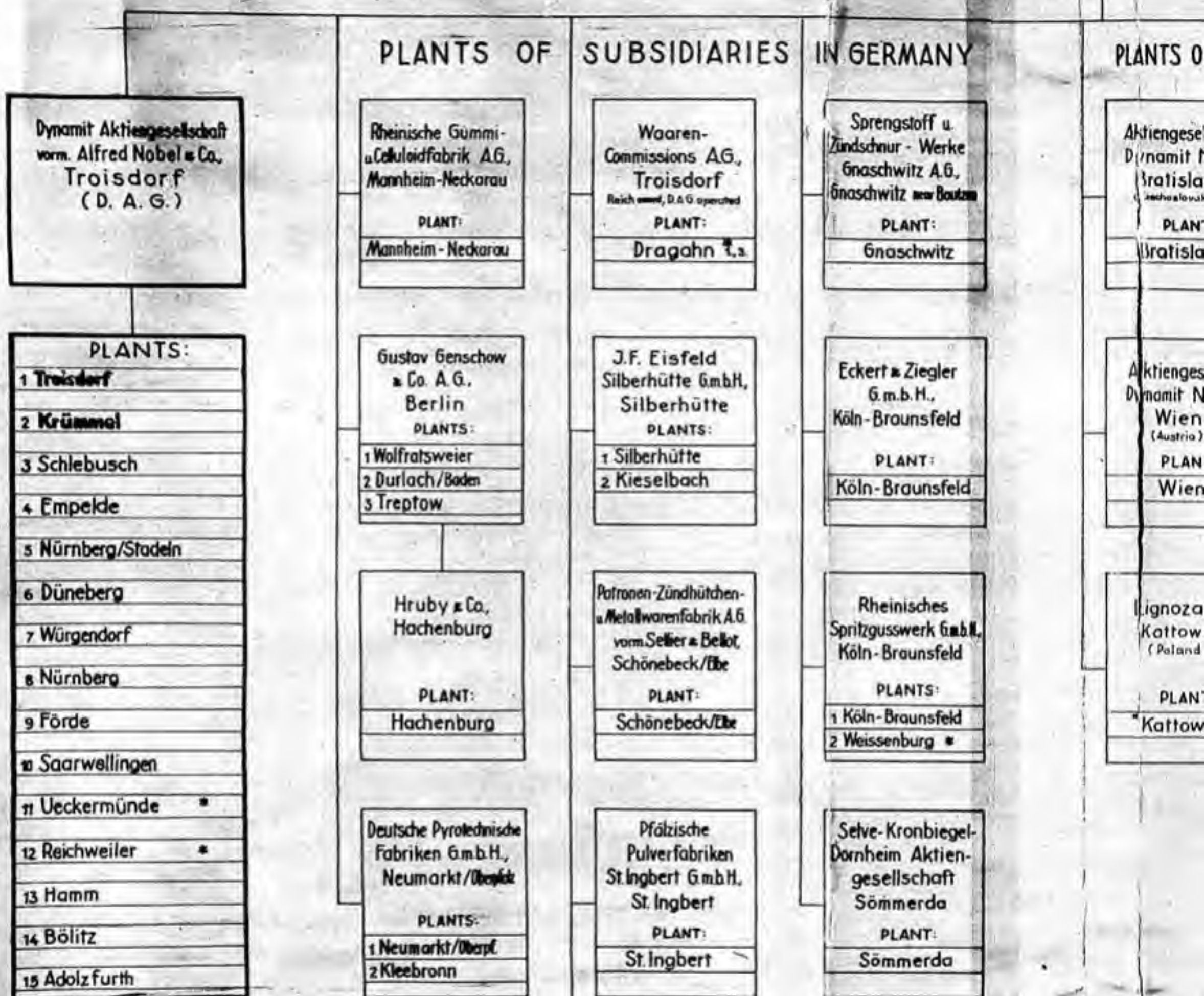
CERTIFICATE

I certify that this graph is a true and correct organization chart of I.G. Farbenindustrie for the years 1938 to 1945. It is similar in nature to organization charts which I myself drew or had drawn, except that it adds broken lines to indicate coordination between agencies and committees beneath the Vorstand level. The broken lines on the chart properly indicate coordination between the various agencies and committees.

Dr. E. M. M. M.

Wuppertal, 24 July 1947

Dr. E. M. M. M.



Classes of Production

1. Explosives
 - 1.T Trinitrotoluene
 - 2.P Picric Acid
 - 3.H Hexogen
 - 4.E Nitropentacetyl
 - 5.G Nitroguanidine
 - 6.A Trinitroanisole
 - 7.B Bisnitrobenzene
 - 8.C Nitrocellulose
 - 9.P Gunpowder
2. Loading of Bombs and Grenades
3. Fuses and Detonators
4. Plastics

* New Plants since 1933

First year of construction

□ Old Plants

Administration
Gesellschaft vorm. Alfred Nobel & Co.
Troisdorf

PLANTS OF THE DYNAMIT AKTIENGESELLSCHAFT VORM. ALFRED NOBEL & TROISDORF

PLANTS OF SUBSIDIARIES ABROAD

Aktiengesellschaft
Dynamit Nobel
Bratislava
(Czechoslovakia)
PLANT:
Bratislava

Aktiengesellschaft
Dynamit Nobel
Wien
(Austria)
PLANT:
Wien

Lignoza A.G.,
Kattowitz
(Poland)
PLANT:
Kattowitz

Sprengstoffwerke
Oberschlesien G.m.b.H.
Kattowitz
(Poland)
PLANTS:
1^o Oberlazisk (POLAND)
2^o Kriewald (POLAND)

Luxit /
Sprengstoffe G.m.b.H.
Luxembourg
PLANT:
* Luxembourg

* Taken over 1940

Gesellschaft m.b.H.
zur Verwertung chemischer
Erzeugnisse, Troisdorf
(Verwertchemie)
Reich owned, D. A.G. operated

PLANTS:			
1 Allendorf	1 T, 3	• 1935	
2 Bromberg	1 T, 2 C, 2 P, 1 B, 1	• 1940	
3 Christianstadt	1 H, 1 T, 2 C, 3	• 1940	
4 Hessisch-Lichtenau	1 T, 2 C, 3	• 1936	
5 Malchow	1 E, 4	• 1938	
6 Aschau	2 C	• 1939	
7 Bobingen	1 H	• 1938	
8 Boizenburg/Elbe		•	
9 Clausthal	1 T, 3	• 1937	
10 Döberitz	1 H	• 1939	
11 Dömitz	1 T, 1 P, 3	•	
12 Ebenhausen	2 C, 2	• 1936	
13 Erfurt		•	
14 Ettringen/Obb.	not in operation	•	
15 Eschenstruth (near Hess-Lichtenau)	1 B, 1	• 1940	
16 Glöwen	1, not in operation	•	
17 Grünberg/Schlesien		• 1940	
18 Güssen	2 C, 1 A, 4	•	
19 Harzberg	3	• 1938	
20 Hohensohn	2 C	• 1938	
21 Kaufbeuren	2	• 1939	
22 Kaufering	2 C, not in operation, 3	• 1939	
23 Ludwigsdorf near Glatz	3	• 1940	
24 Malmitz	3	• 1938	
25 Munich	4	• 1938	
26 Mühldorf/Obb.		•	
27 Premnitz	3	•	
28 Uckermark	2 C, 1 G	• 1938	
29 Wolfershausen	1 E, 4	• 1938	
30 Hartina (Czechoslovakia)	3	• 1940	
31 Kuchelna (Poland)	3	• 1940	
32 Petersdorf (Poland)	3	• 1940	

Westfälisch-Anhaltische
Sprengstoff A.G.,
Berlin
(Wasag)
A) Westfälisch-Anhaltische Sprengstoff A.G.
B) Wasag-Chemie Aktiengesellschaft

PLANTS:		
1 Reinsdorf near Wittenberg	1	
2 Elanig near Torgau	1	
3 Kowitz/Elbe		
4 Sythen near Halberstadt		
5 Pionki (Poland)	2	

Deutsche Sprengchemie
G.m.b.H.,
Berlin
Reich owned, Wasag operated

PLANTS:		
1 Kraiburg/Bayer-Flakt II	2	• 1937
2 Geretsried near Munich	3	• 1938
3 Torgelow/Pommern	2	• 1936
4 Kietz/Elbe	2	• 1935
5 Moschwig (Schlesien)	2	• 1936
6 Oderberg	2	• 1937
7 Dreetz (Brandenburg)	2	• 1938
8 Forst/Lowitz	2	• 1938
9 Dörmte/Brandenburg		•

AFFIDAVIT
I, (Name & Address) (Name) (Address) do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I have given the best of my knowledge and belief to the best of my knowledge and belief.
This affidavit is made in my presence and I have given the best of my knowledge and belief to the best of my knowledge and belief.
I declare under oath that I have given the best of my knowledge and belief to the best of my knowledge and belief.
Signature: _____
Date: _____

Signature: _____
Date: _____
Signature: _____
Date: _____

Members of the (Mitglieder)

AUFSICHTSRAT

1926 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
1. DUISBERG, Carl (Chairman - Vorsitzender)	1926-1935
2. BOSCH, Carl (Chairman - Vorsitzender)	1935-1940
3. KRAUCH, Carl (Chairman - Vorsitzender)	1940-1945
4. ABE, Hermann J.	1940-1945
5. AUBERT, Axel	1928-1943
6. AUFSCHLAGER, Gustav	1926-1934
7. BAYER, Richard	1926-1945
8. VON BETHMANN, Moritz	1926-1932
9. VON BOTTINGER, Waldemar	1926-1945
10. VON BRUNING, Adolf	1926-1932
11. VON BRUNING, Walter	1926-1945
12. BRUNCK, Lothar	1926-1942
13. DUISBERG, Carl Ludwig	1926-1932 and 1935-1945
14. FISCHER, Otto	1926-1932
15. FRANK, Rudolf	1926-1926
16. VON GAMP-MASSAUEN, Botho	1926-1932
17. GANS, Leo	1926-1935
18. GAUS, Wilhelm (Deputy Chairman - Stellvertretender Vorsitzender, 1940-1945)	1938-1945
19. GOLDSCHMIDT, Jakob	1930-1932
20. HABER, Fritz	1926-1932
21. HAEUSER, Adolf	1926-1938
22. HAGEN, Louis	1926-1932

Members of the
AUFSICHTSRAT

(Continued, Page 2)

Name	Period
23. HASSLAUER, Jakob	1930-1940
24. HAUCK, Otto	1926-1932
25. HESS, Johannes	1940-1945
26. HUMMEL, Hermann	1926-1932
27. KAECHLEN, Adolf	1926-1938
28. KALLE, Wilhelm Ferdinand (Deputy Chairman - Stellvertretender Vorsitzender, 1936-1945)	1926-1945
29. KRECKLER, Karl	1933-1945
30. LAMMERS, Clemens	1926-1932
31. MAHN, Rudolf	1931-1935
32. TER MEER, Edmund	1926-1931
33. VON MEISTER, Wilhelm	1926-1935
34. VON MENDELSSOHN - BARTHOLDY, Otto	1926-1937
35. MERTON, Alfred	1926-1935
36. MERTON, Richard	1935-1937
37. VON MOELLENDORFF, Richard	1926-1932
38. MOLDENHAUER, Paul	1926-1929
39. MOSLER, Eduard	1938-1939
40. MUELLER, Carl (Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1926-1931)	1926-1931
41. VON MUELLER, Gustav	1926-1932
42. MUELLER, Paul	1938-1945
43. OPPENHEIM, Franz	1926-1929
44. OPPENHEIM, Kurt	1931-1932
45. PELTZER, Wilhelm	1926-1937
46. PFAFF, Siegfried	1926-1928
47. PFELTNER, Karl	1938-1945

Members of the
AUFSICHTSRAT

(Continued, Page 3)

<u>Name</u>	<u>Period</u>
48. PISTOR, Gustav	1938-1945
49. FLEISCH, Arpad	1925-1932
50. PLIENINGER, Theodor	1926-1930
51. VON RATH, Walther (First Deputy Chairman - Erster Stellvertretender Vorsitzender, 1926-1933; Deputy Chairman - Stellvertretender Vorsitzender, 1933-1940)	1926-1940
52. SCHARF, Otto	1941-1942
53. SCHARFF, Julius	1926-1936
54. SCHIMMELPENNINCK, Rutger Jan Eugen	1926-1945
55. VON SCHINCKEL, Max	1926-1932
56. SCHLIEFER, Gustav	1935-1937
57. SCHLITZER, Oscar	1930-1935
58. SCHMIDT, Robert E.	1926-1932
59. SCHMIDT-OTT, Friedrich	1926-1945
60. SCHNEEWIND, Emil	1926-1932
61. VON SCHNITZLER, Paul	1926-1932
62. VON SCHNITZLER, Richard	1926-1932
63. VON SCHENCK-NOTZING, Albert	1926-1929
64. VON SCHENCK-NOTZING, Leopold	1929-1945
65. SCHON, Ludwig	1921-1937
66. SELCK, Erwin	1938-1945
67. SELIGMAN, Milton	1931-1932
68. VON SIMOLIN, Rudolf	1926-1932
69. VON SIMSON, August	1926-1927
70. VON SIMSON, Ernst	1926-1937
71. VON STEINMEISTER, Otto	1926-1932
72. VAREBURG, Max H.	1926-1932

Members of the
AUFSICHTSRAT

(Continued, Page 4)

<u>Name</u>	<u>Period</u>
73. WEIDMAN, Carl	1926-1930
74. VON WEINBERG, Arthur	1926-1937
75. VON WEINBERG, Carl (Third Deputy Chairman - Dritter Stellvertretender Vorsitzender, 1926-1933; Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1932-1933; Deputy Chairman - Stellvertretender Vorsitzender, 1933-1937)	1926-1937
76. ZWEIFTEL, Willy	1926-1932
<u>Union Representatives on (Betriebsratsvertreter im) Aufsichtsrat</u>	
77. BUETNER, Georg	1926-1933
78. SPARRE, Otto	1926-1933

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7957, an affidavit by Hermann RAESSLER, dated 17 July 1947.

Muenberg, Germany
9 August 1947

Constance Gavares
AGD D-433075
Research Analyst, CCGWC

Members of the (Mitglieder)

VERWALTUNGSRAT

of the Aufsichtsrat

1926-1937

<u>Name</u>	<u>Period (Zeitschnitt)</u>
1. DUISBERG, Carl (Chairman - Vorsitzender, 1926-1935)	1926-1935
2. BOSCH, Carl (Chairman - Vorsitzender, 1935-1937)	1935-1937
3. HAUSSER, Adolf	1926-1932
4. KALLE, Wilhelm Ferdinand	1926-1937
5. KRECKHART, Karl	1933-1935
6. MANN, Rudolf	1931-1935
7. TER MEER, Edmund	1926-1929
8. MUELLER, Carl (Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1926-1931)	1926-1931
9. OPPENHEIM, Franz	1926-1929
10. PLINIGER, Theodor	1926-1930
11. VOM RATH, Walther (First Deputy Chairman - Erster Stellvertretender Vorsitzender, 1926-1932)	1926-1932
12. SCHUM, Ludwig	1931-1937
13. VON SIMSON, Ernst	1926-1937
14. VON WEINBERG, Arthur	1926-1935
15. VON WEINBERG, Carl (Third Deputy Chairman - Dritter Stell- vertretender Vorsitzender, 1926-1931; Second Deputy Chairman - Zweiter Stell- vertretender Vorsitzender, 1931-1932; Deputy Chairman - Stellvertretender Vorsitzender, 1932-1935)	1926-1936

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7957, an affidavit by Hermann RAESSLER, dated 17 July 1947.

CONSTANCE GAVARES

Members of the (Mitglieder)

AUFSICHTSRAT COMMITTEE

(AUFSICHTSRAT AUSSCHUSS)

(1938-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH, Carl (Chairman - Vorsitzender, 1938-1940)	1938-1940
2. KRAUCH, Carl (Chairman - Vorsitzender, 1940-1945)	1940-1945
3. GAUS, Wilhelm	1938-1945
4. KALLB, Wilhelm Ferdinand	1938-1945
5. MEHLER, Paul	1938-1945
6. PISTOR, Gustav	1938-1945
7. VOM RATH, Walther	1938-1940
8. SELCK, Erwin	1938-1945

Certificate

I certify that the entries in the above table were compiled from Document No. NI-10045, an affidavit by Hermann BAESSLER, dated 26 July 1947.

Muenberg, Germany
9 August 1947

CONSTANCE GAVARES
AOO No. 433075
Research Analyst,
OCCWC

Members of the (Mitglieder)

VORSTAND

1926 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>	
	<u>Deputy Member</u> (Stellvertretendes Mitglied)	<u>Member</u> (Mitglied)
1. BOSCH, Carl (Chairman - Vorsitzender, 1926-1935)		1926-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender, 1935-1945)		1926-1945
3. ABEL, Julius	1926-1929	
4. ALBRECHT, Karl	1926-1929	
5. AMEROS, Otto		1938-1945
6. ANGELBURG, Alfred		1926-1930
7. BONHOEFFER, Otto	1926-1930	
8. BORN, Andries	1926-1930	
9. BORSBACH, Ernst	1926-1931	
10. BRUEGGEMANN, Max	1926-1934	1934-1945
11. BUEB, Julius		1926-1929
12. BUERGIN, Ernst		1938-1945
13. BUETEFISCH, Heinrich	1934-1938	1938-1945
14. BUEL, Bernhard		1926-1940
15. COHEN, Max		1926-1933
16. CUESCHMANN, Fritz	1926-1931	
17. DEHNEL, Erich	1926-1937	
18. DION, Jakob	1926-1929	
19. DOERMER, Otto		1926-1931
20. DUDEN, Paul		1926-1932
21. EHLENBACH, Arnold	1926-1929	
22. GAJEWSKI, Fritz	1931-1934	1934-1945
23. GAUS, Wilhelm		1926-1937

Members of the
V O R S T A N D
(Continued, Page 2)

Name	Period	
	Deputy Member	Member
24. GREIF, Wilfrid		1926-1931
25. HAEFLIGER, Paul	1926-1938	1938-1945
26. HAGEMANN, Carl		1926-1931
27. HAUSSMANN, Emil		1926-1928
28. HERMANN, Ludwig	1926-1934	1934-1938
29. HEYMANN, Bernhard		1926-1929
30. HILPERT, Richard	1926-1933	
31. HOERLEIN, Heinrich	1926-1931	1931-1945
32. HOLM, Wilhelm	1926-1931	
33. ILNER, Max	1934-1938	1938-1945
34. JACOBI, Constantin	1926-1938	1938-1943
35. JAEGER, Friedrich	1934-1938	1938-1945
36. JULIUS, Paul		1926-1926
37. KERTESS, Adolf	1926-1927	
38. VON KNIEREM, August	1926-1931	1931-1945
39. KRAUCH, Carl	1926-1934	1934-1940
40. KRAUSS, Adolf	1926-1931	
41. KREKELER, Karl		1926-1932
42. KHELL, Arthur	1926-1935	
43. KUEHN, Hans		1926-1945
44. LAUTERCHLAGER, Carl	1931-1936	1936-1945
45. LISSMAN, Karl	1926-1929	
46. LOHMEYER, Wilhelm		1926-1931
47. MANN, Rudolf		1926-1930
48. MANN, Wilhelm Rudolf	1931-1934	1934-1945
49. TER MEER, Fritz		1926-1945
50. MEYER, Kurt H.		1926-1932

(Continued)

Members of the
VORSTAND
(Continued, Page 3)

<u>Name</u>	<u>Period</u>	
	<u>Deputy Member</u>	<u>Member</u>
51. MICHEL, Oscar		1926-1926
52. WOLMAR, Georg		1926-1930
53. MUEHLEN, Wilhelm	1926-1937	
54. MUELLER-CUNRADI, Martin		1943-1945
55. NIEME, Alexander	1926-1930	
56. NOBBE, Fritz		1926-1929
57. OLLENDORFF, Gerhard	1926-1932	
58. OPPENHEIM, Kurt		1926-1930
59. OSTER, Heinrich	1928-1931	1931-1945
60. OTT, Philipp		1926-1929
61. OTTO, Wilhelm	1931-1934	1934-1945
62. PHILIPPI, Richard	1926-1930	
63. PISTOR, Gustav		1926-1937
64. PROELSS, Adelbert		1926-1926
65. REY, Carl	1926-1930	
66. ROESCH, Carl	1926-1931	
67. ROEGER, Martin	1926-1933	
68. SCHARF, Otto	1926-1934	1934-1940
69. SCHLEUSSENER, Carl	1926-1937	
70. SCHMIDT, Albrecht		1926-1931
71. SCHNEIDER, Christian	1928-1937	1938-1945
72. VON SCHNITZLER, Georg		1926-1945
73. SCHUON, Ludwig		1926-1927
74. SEEBOHM, Hermann C.A.		1926-1931
75. SEIDEL, Otto	1926-1937	
76. SEIDEL, Paul	1926-1929	
77. SELCK, Erwin		1926-1937

Members of the
VOESTAND
(Continued, Page 4)

<u>Name</u>	<u>Period</u>	
	<u>Deputy Member</u>	<u>Member</u>
78. SPECKTER, Heinrich		1926-1932
79. STANGE, Otto	1926-1936	
80. VON THIEL, Heinrich	1926-1932	
81. TIEDTKE, Richard	1926-1931	
82. VEITH, Karl	1926-1927	
83. WAGNER, Hermann	1926-1932	
84. WAIHEL, Hermann	1926-1928	1928-1945
85. WALTHER, Hans	1926-1934	1934-1940
86. WARBOLD, Hermann		1926-1931
87. WEBER, William	1926-1931	
88. WEBER-ANDREAS, Eduard		1926-1943
89. WEIDLICH, Richard		1926-1930
90. WESKOTT, Friedrich Richard		1926-1935
91. WIEGAND, Leopold	1926-1937	
92. WISS, Ernst		1926-1932
93. WOLFF, Hans Eduard	1926-1937	
94. <u>WURSTER, Carl</u>		1938-1945
95. ZACHARIAS, Emil		1926-1930

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7956, an affidavit by Hermann BAESSLER, dated 8 July 1947.

Munich, Germany
9 August 1947

WILLIAM A. ACTON
AGO No. D-417491
Research Analyst, OCCWC

Members of the (Mitglieder)
WORKING COMMITTEE OF THE VORSTAND
 (ARBEITSSCHUSS)

1925-1938

Name	Period (Zeitraum)
1. BOSCH, Carl (Chairman - Vorsitzender 1925-1935)	1925-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender 1935-1938)	1925-1938
3. AMELBURG, Alfred	1926-1930
4. BRUGGEMANN, Max	1935-1938
5. BUEB, Julius	1926-1929
6. BUETEFISCH, Heinrich	1933-1936
7. BUHL, Bernhard	1931-1938
8. DENCKER, Paul	1935-1938
9. DOERMER, Otto	1926-1931
10. DUDEN, Paul	1926-1932
11. ERLENBACH, Arnold	1926-1929
12. GAIENSKI, Fritz	1929-1938
13. GATTINEAU, Heinrich	1932-1935
14. GAUS, Wilhelm	1926-1937
15. GREIF, Wilfrid	1926-1931
16. HAGEMANN, Carl	1926-1931
17. HERMANN, Ludwig	1933-1938
18. HOEHLER, Heinrich	1931-1938
19. ILGNER, Max	1933-1938
20. JACOBI, Constantin	1933-1938
21. KNIEREM, Johann August	1931-1938
22. KRAUCH, Carl	1929-1938
23. KREKELER, Karl	1926-1932
24. KUEHN, Hans	1926-1938
25. LOHMEYER, Wilhelm	1926-1931
26. MANN, Rudolf	1926-1930

Members of the
WORKING COMMITTEE OF THE VORSTAND

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
27. MANN, Wilhelm Rudolf	1931-1938
28. TER MEER, Fritz	1926-1938
29. MEYER, Kurt H.	1926-1932
30. MICHEL, Oscar	1926-1926
31. MOLNAR, Georg	1926-1930
32. MOHNE, Fritz	1926-1929
33. OPPENHEIM, Kurt	1926-1930
34. OSTER, Heinrich	1929-1938
35. OTTO, Wilhelm	1930-1938
36. PISTOR, Georg	1926-1937
37. ROESCH, Carl	1930-1931
38. SCHARF, Otto	1936-1938
39. SCHNEIDER, Christian	1937-1938
40. VON SCHNITZER, Georg	1926-1938
41. SCHUON, Ludwig	1926-1927
42. SELCK, Erwin	1926-1937
43. WALBEL, Hermann	1927-1938
44. WEBER-ANDREAS, Eduard	1926-1938
45. WEIDLICH, Richard	1926-1930
46. WESKOTT, Friedrich Richard	1926-1935
47. WURSTER, Carl	1933-1938

Certificate

I certify that the entries in the above table were compiled from Document No. NI-10044, an affidavit by Hermann BAESSLER, dated 4 August 1947.

Munich, Germany
9 August 1947

CONSTANCE GAVARES
AGO No. 433075
Research Analyst, OCCWC

Members of the (Mitglieder)
CENTRAL COMMITTEE
 (Zentral Ausschuss - ZA)

of the Vorstand

1930 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH, Carl Chairman - Vorsitzender, 1930-1935)	1930-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender, 1935-1945)	1930-1945
3. DUEHN, Paul	1930-1932
4. GAJEWSKI, Fritz	1933-1945
5. GAUS, Wilhelm	1930-1937
6. HOERLEIN, Heinrich	1933-1945
7. VON KNIEBEM, August	1938-1945
8. KRAUCH, Carl	1933-1940
9. KRECKLER, Karl	1930-1932
10. MANN, Rudolf	1930-1930
11. TER MEER, Fritz	1933-1945
12. SCHNEIDER, Christian	1938-1945
13. VON SCHWITZER, Georg	1930-1945
14. SELCK, Erwin	1930-1937

Aufsichtsrat Chairmen Invited to Attend
Meetings of Central Committee
 (Vorsitzende des Aufsichtsrats die als Gäste den Sitzungen des
 Zentral Ausschusses beiwohnten)

1. DUISBERG, Carl	1930-1935
2. BOSCH, Carl	1935-1940
3. KRAUCH, Carl	1940-1945

Certificate

I certify that the entries in the above table were compiled from Documents No. NI-7956, an affidavit by Hermann RAESSLER, dated 8 July 1947, and No. NI-5184, an affidavit by the defendant Fritz ter MEER, dated 29 April 1947.

Munich, Germany
 9 August 1947

CONSTANCE CAVANES
 AGO No. 433075
 Research Analyst, OCCWD

Members of the (Mitglieder)
TECHNICAL COMMITTEE
 (TECHNISCHER AUSSCHUSS-TEA)
 (1925-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH (Chairman - Vorsitzender, 14 October 1925 - 22 October 1925)	1925-1935
2. KREMER, Karl (Chairman - Vorsitzender, 1925-1932)	1925-1932
3. ter MEER, Fritz (Chairman - Vorsitzender, 1933-1945)	1925-1945
4. PISTOR, Gustav (First Deputy Chairman - Erster Stell- vertretender Vorsitzender, 1925-1932)	1925-1937
5. GAJEWSKI, Fritz (First Deputy Chairman - Erster Stell- vertretender Vorsitzender, 1933-1945)	1929-1945
6. DUDEN, Paul (Second Deputy Chairman - Zweite Stell- vertretender Vorsitzender, 1925-1932)	1925-1932
7. HOBLEIN, Heinrich (Second Deputy Chairman - Zweite Stell- vertretender Vorsitzender, 1933-1945)	1931-1945
8. AMEROS, Otto	1938-1945
9. ASCHENBURG, Alfred	1925-1930
10. DIERGIN, Ernst	1938-1945
11. DIERFISCH, Heinrich	1938-1945
12. DENCKER, Paul	1938-1945
13. EULENDACH, Arnold	1925-1929
14. GAUS, Wilhelm	1925-1937
15. HADERLAND, Ulrich	1941-1945
16. HAGEMANN, Carl	1925-1931
17. HERMANN, Ludwig	1933-1938
18. JACOBI, Constantin	1938-1943
19. JAEDE, Friedrich	1938-1945
20. KLEINE, Johannes	1938-1945
21. KRAUCH, Carl	1929-1940
22. KUHN, Hans	1925-1945

(Continued)

Members of the
TECHNICAL COMMITTEE

(Continued, Page 3)

<u>Name</u>	<u>Period</u>
23. <u>LAUTENSCHLAGER, Carl</u>	1938-1945
24. <u>LOHMEYER, Wilhelm</u>	1925-1931
25. <u>MEYER, Kurt H.</u>	1925-1932
26. <u>MUELLER, Paul</u>	1925-1945
27. <u>MUELLER-CONRADT, Martin</u>	1938-1945
28. <u>RIESS, Kurt</u>	1940-1945
29. <u>SAUER, Hans</u>	1940-1945
30. <u>VON STADEN, Hans</u>	1941-1944
31. <u>SCHARF, Otto</u>	1938-1942
32. <u>SCHNEIDER, Christian</u>	1938-1945
33. <u>WINMACKER, Karl</u>	1943-1945
34. <u>WURSTER, Karl</u>	1938-1945

Guests or Visitors
(Gaeete oder Besucher)

<u>Name</u>	<u>Period</u>
1. <u>HUEGIN, Ernst</u>	1937-1938
2. <u>BUETEFISCH, Heinrich</u>	1932-1938
3. <u>DENCKER, Paul</u>	1930-1938
4. <u>HERMANN, Ludwig</u>	1932-1933
5. <u>HOERLEIN, Heinrich</u>	8 Jan. 1931 - 24 Feb. 1931
6. <u>JACOBI, Constantin</u>	1926-1938
7. <u>JAEHNE, Friedrich</u>	1926-1938
8. <u>KLEINE, Johannes</u>	1931-1938
9. <u>VON ENIGERD, August</u>	1931-1945
10. <u>LOHMEYER, Oscar</u>	1938-1945
11. <u>PURGS</u>	1926-1945

(Representing Paul MUELLER, Chairman of Dynamit A.G. (DAG), when the latter could not attend - Stellvertreter fuer Paul MUELLER, Vorsitzender der Dynamit A.G. (DAF), wenn Letzterer nicht anwesend sein konnte)

(Continued)

Members of the
TECHNICAL COMMITTEE

(Continued) Page 3)

<u>Name</u>	<u>Period</u>
12. <u>SHIEL, Otto</u>	1926-1937
13. <u>STRUSS, Ernst A.</u>	1925-1945
14. <u>SCHARF, Otto</u>	1926-1938
15. <u>SCHMITZ, Hermann</u>	1925-1945
16. <u>VON SCHNITZLER, Georg</u>	1929-1945
17. <u>SCHNEIDER, Christian</u>	1929-1938

Certificate

I certify that the entries in the above table were compiled from Document No. NL-10043, an affidavit by Dr. Heinz Eichwede, dated 29 July 1947.

Munich, Germany
August 1947

ALBERT G. D. LEVY
AGO D-434708
Attorney, OGCWC

Members of the (Mitglieder)
COMMERCIAL COMMITTEE
 (KAUFMAENNISCHER AUSSCHUSS)

1937-1945

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Vorstand Members (Vorstandsmitglieder)</u>	
1. von SCHNITZER, Georg (Chairman - Vorsitzender)	1937-1945
2. HAEFLIGER, Paul	1937-1945
3. ILONER, Max	1937-1945
4. MANN, Wilhelm Rudolf	1937-1945
5. MUEHLEN, Friedrich	1937-1939
6. OSTER, Heinrich	1937-1945
7. OTTO, Wilhelm	1937-1945
8. WAREL, Hermann	1937-1945
9. WERER-ANDREAS, Eduard	1937-1943
<u>Other Members (Andere Mitglieder)</u>	
10. van BEEK, Heinz	1944-1945
11. BORGWARDT, Helmut	1943-1945
12. DUECKER, Paul	1940-1945
13. FISCHER, Ernst R.	1937-1939
14. FRANK-FAHLE, Guenther (Secretary - Protokollfuehrer)	1937-1945
15. GROBEL, Josef	1944-1945
16. HANSEN, Rudolf	1940-1945
17. von HEIDER, Karl	1943-1945
18. KRIEGER, Fritz	1944-1945
19. KRUEDER, Kurt	1937-1945
20. KUGLER, Hans	1940-1945
21. MUELLER, Paul	1937-1945
22. TERHAAR, Jost	1940-1945
23. UEL, Bruno	1944-1945
24. WEISS, Karl	1940-1944

(Continued)

COMMERCIAL COMMITTEE

(Continued, Page 2)

Guests (Gaeste)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOCHWART, Helmuth	1940-1943
2. von HEIDER, Karl	1940-1943
3. SCHMITZ, Hermann	1937-1945

C E R T I F I C A T E (BESTAETIGUNG)

The available minutes of the Commercial Committee show that numerous other Farben officials, including the defendants Gajewski, von Knieriem and ter Meer, were occasional guests or visitors at the meetings of the Commercial Committee. I certify that the entries in the above table were compiled from Document No. NI-8494, an affidavit of Guenther Frank-Fahle, dated 15 February 1947.

(Die zur Verfügung stehenden Protokolle des Kaufmännischen Ausschusses zeigen, dass zahlreiche andere Herren von I.G. Farben, darunter die Angeklagten Gajewski, von Knieriem und ter Meer, gelegentlich als Gäste oder Besucher an den Sitzungen des Kaufmännischen Ausschusses teilnahmen. Ich bestätige, dass die Eintragungen in obiger Liste aus dem Dokument No. NI-8494 zusammengestellt wurden, einer Erklärung unter Eid von Guenther Frank-Fahle, datiert 15. Februar 1947.)

Nurnberg, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 20074
Research Analyst
OCCWC

Chiefs of the (Leiter)

SPARTEN

1929 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Sparte I</u>	
KRAUCH, Carl	1929 - 1937
SCHNEIDER, Christian	1938 - 1945
(Deputy (Stellvertreter): BUSTEFISCH, Heinrich, 1938 - 1945)	
<u>Sparte II</u>	
TER MEER, Fritz	1929 - 1945
<u>Sparte III</u>	
GAJEWSKI, Fritz	1929 - 1945

Chiefs of the (Leiter)

SPARTEN OFFICES
(Sparten-Büros)

1929 - 1945

<u>Sparte I</u>	
GOLDBERG, Reinhard (Oppau)	1929 - 1945
<u>Sparte II</u>	
STUSS, Ernst August (Frankfurt/M.)	1931 - 1945
<u>Sparte III</u>	
MEYER, Harry (Wolfen)	1929 - 1945

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7487, an affidavit by Dr. Ernst August STUSS, dated 5 August 1947.

Munich, Germany
11 August 1947

ALBERT G. D. LEVY
U.S. Civilian
AGO No. D-434708

Chiefs of the (Leiter)
WORKS COMBINES
 (Betriebsgemeinschaften)

1925 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
-------------	--------------------------

I. Works Combine Upper Rhine
 (Betriebsgemeinschaft Oberrhein)

1. BOSCH, Carl	1925 - 1930
2. GAUS, Wilhelm	1931 - 1937
3. KRAUCH, Carl	1938 - 1940
4. WURSTER, Carl	1940 - 1945

II. Works Combine Main Valley
 (called "Middle Rhine" before 1927 or 1928)
 (Betriebsgemeinschaft Mainen
 genannt "Mittelrhein" vor 1927 oder 1928)

1. DUDEN, Paul	1925 - 1932
2. HERMANN, Ludwig	1933 - 1938
3. LAUTENSCHLAGER, Carl	1938 - 1945

(Deputy (Stellvertreter):
 JAEHN, Friedrich, 1938 - 1945)

III. Works Combine Lower Rhine
 (Betriebsgemeinschaft Niederrhein)

1. KREKELER, Carl	1925 - 1932
(Deputy (Stellvertreter): KUHN, Hans, 1930 - 1932)	
2. KUHN, Hans	1933 - 1945
3. HARTLAND, Ulrich	1945 - 1945

IV. Works Combine Central Germany
 (Betriebsgemeinschaft Mitteldeutschland)

1. HAGEMANN, Carl	1925 - 1929
2. PISTOR, Gustav	1929 - 1937
3. BUEGIN, Ernst	1938 - 1945

(1)

(Continued)

Chiefs of the
WORKS COMBINES

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
<u>V. Works Combine "Berlin"</u> (Betriebsgemeinschaft Berlin)	
1. LOHOEFER, Wilhelm	1929 - 1931
(Joint chief with GAJEWSKI) (Mitverantwortlicher Leiter GAJEWSKI)	
2. GAJEWSKI, Fritz	1929 - 1945
(after 1931, sole chief) (alleiniger Leiter nach 1931)	

The Works Combine "Berlin" was established on
23 November 1929.
(Die Betriebsgemeinschaft Berlin wurde am
22. November 1929 errichtet.)

Certificate

I certify that the entries in the above table were compiled
from Document No. NI- 9487, an affidavit by Dr. Ernst August
STREISS, dated 5 August 1947, and Document No. NI-10048 the
report of Dr. Heinz RICHWIE.

Munich, Germany
11 August 1947

ALBERT G. D. LEVY
U.S. Civilian
ACC No. D-424708

Chiefs of the (Leiter)

SALES COMBINES AND OTHER

SALES ARRANGEMENTS

(VERKAUFSGEMEINSCHAFTEN UND ANDERE VERKAUFSORGANISATIONEN)

(1926 - 1945)

<u>Name</u>	<u>Position</u> (Stellung)	<u>Period</u> (Zeitraum)
<u>I. SALES COMBINE CHEMICALS</u> (Verkaufsgemeinschaft Chemikalien)		
1. <u>WEHR-ANDREAS, Eduard</u>	Chief (Leiter)	1926-1943
2. <u>VON SCHNITZLER, Georg</u>	Chief (Leiter)	1944-1945
3. <u>BORWARDT, Helmut</u>	Deputy Chief for Organics (Stellvertreter, Organika)	1944-1945
4. <u>HANFLIGER, Paul</u>	Deputy Chief for Metals (Stellvertreter, Metalle)	1944-1945
5. <u>VON REIDER, Karl</u>	Deputy Chief for Inorganics (Stellvertreter, Anorganika)	1944-1945
<u>II. SALES COMBINE DYE STUFFS</u> (Verkaufsgemeinschaft Farben)		
1. <u>VON SCHNITZLER, Georg</u>	Chief (Leiter)	1930-1945
2. <u>WIBEL, Hermann</u>	Deputy Chief (Stellvertreter)	1930-1945
<u>III. SALES COMBINE PHARMACEUTICALS</u> (Verkaufsgemeinschaft Pharmazeutika)		
1. <u>MAHN, Rudolf</u>	Chief (Leiter)	1926-1930
2. <u>MAHN, Wilhelm Rudolf</u>	Chief (Leiter)	1931-1945
3. <u>BRUEGGEMANN, Max</u>	Deputy Chief (Stellvertreter)	1935-1945
<u>IV. SALES COMBINE AGFA (PHOTOGRAPHICS AND ARTIFICIAL FIBRES)</u> (Verkaufsgemeinschaft Agfa)		
1. <u>OPPENHEIM, Kurt</u>	Chief (Leiter)	1926-1930
2. <u>OTTO, Wilhelm</u>	Chief (Leiter)	1931-1945

SALES COMBINES AND OTHER
SALES ARRANGEMENTS

(Continued. Page 2)

V. NITROGEN SYNDICATE
(Stickstoff-Syndikat G.m.b.H.)

1. HUEB, Julius	Manager (Geschäftsfuehrer)	1926-1929
2. OSTER, Heinrich	Manager (Geschäftsfuehrer)	1930-1945

VI. SALES ORGANIZATION OILS, BERLIN
(Verkauf Oele, Berlin)

1. FISCHER, Ernst Rudolf	Chief (Leiter)	1934-1939
2. KRATZEL, Gustav	Chief (Leiter)	1940-1945

VII. SALES ORGANIZATION (Verkaufsorganisation)
KALLER & Co.

1. ANDERHEUB, Jakob H.	Chief (Leiter)	1935-1945
2. LISSMANN, Karl	Chief (Leiter)	1926-1934

CERTIFICATE

I certify that the entries in the above table were compiled from Document No. NI-9267, an affidavit by Hermann Baessler, dated 1 August 1947.

Munich, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 20074
Research Analyst, OCCWC

Members of the (Mitglieder)
DYE STUFFS COMMITTEE
 (FARBEN AUSSCHUSS)
 (1926-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Vorstand Members (Mitglieder des Vorstandes)</u>	
1. von SCHMITZLER, Georg (Chairman, 1928-1945) (Vorsitzender 1928-1945)	1926-1945 *)
2. GREIF, Wilhelm	1926-1929
3. LISSMANN, Karl	1929
4. ter MEER, Fritz (As representative of TEA) (Als Vertreter des TEA)	1936-1945
5. MOLNAR, Georg	1926-1930
6. MUEHLEN, Friedrich	1929-1937
7. SCHUON, Ludwig	1926-1927
8. GEBBOHM, Hermann	1929-1931
9. SEIDEL, Otto	1936-1937
10. SELCK, Erwin	1929-1937
11. WAIBEL, Hermann	1927-1945 *)
12. WALTHER, Hans	1936-1940 *)
13. WESKOTT, Friedrich R.	1926-1935
14. WIEGAND, Leopold	1929-1937
15. WOLFF, Hans E.	1930-1937
<u>Other Members (Andere Mitglieder)</u>	
16. von BRUENING, Dolf	1936-1945
17. ECKERT, Albert	1938-1945
18. HOPPE, Emil	1938-1945
19. JUNGBLUTH, Willy	1940-1944
20. KESSELER, Hans	1940-1944
21. KOEHLER, Heinrich	1936-1945 *)
22. KUEPPER, Gustav	1936-1945 *)
23. KUGLER, Hans	1936-1945 *)

(1)

(Continued)

Members of the
DYESTUFFS COMMITTEE

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
24. LOEHR, Oskar	1938-1945
25. NUSSLEIN, Josef	1941-1945
26. OVERHOPF, Julius	1938-1945
27. PABST, Reinhart	1939-1944
28. PFLAUMER, Karl	1940-1945
29. RUESCH, Roland	1941-1945
30. SCHWAB, Hermann	1938-1945
31. VOIGT, Rudolf	1938-1944
32. WEIGANDT, Karl	1938-1945
33. VINGLER, August	1938-1945

Members marked with an asterisk (*) were also members of the Dyestuffs Steering Committee (Engerer Farbausschuss). (Mitglieder, welchen ein Stern (*) gekennzeichnet sind, waren auch Mitglieder des Engeren Farbausschusses).

Certificate

I certify that the entries in the above table were compiled from Document No. NI-9262, an affidavit by Hermann Baessler, dated 30 July 1947.

Murnberg, Germany
2 August 1947

GEORGE S. MARTIN
ECU No. 30074
Research Analyst
OCCWC

Members of the (Mitglieder)
CHEMICALS COMMITTEE
 (CHEMIKALIEN AUSSCHUSS)
 (1925-1945)

<u>Name</u>	<u>Period</u> (Zeitraum)	<u>Commercial or Technical Member</u> (Kaufmannisches oder Technisches Mitglied)
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Vorstand Members (Mitglieder des Vorstandes)

1. WEBER-ANDREAS, Eduard (Chairman - Vorsitzender)	1925-1943	Commercial (Kaufmannisch)
2. von SCHNITZER, Georg (Chairman - Vorsitzender)	1944-1945	Commercial (Kaufmannisch)
3. AMEROS, Otto -----	1938-1945	Technical (Technisch)
4. BUEGGIN, Ernst -----	1938-1945	Technical (Technisch)
5. HAEFLIGER, Paul -----	1938-1945	Commercial (Kaufmannisch)
6. KUENDE, Hans -----	1936-1945	Technical (Technisch)
7. PISTOR, Gustav	1925-1937	Technical (Technisch)
8. WURSTER, Carl -----	1938-1945	Technical (Technisch)

Other Members (Andere Mitglieder)

9. BORGWARDT, Helmut	1944-1945	Commercial (Kaufmannisch)
10. HABERLAND, Ulrich	1944-1945	Technical (Technisch)
11. von HEIDER, Karl	1944-1945	Commercial (Kaufmannisch)
12. WINCKLES, Karl	1944-1945	Technical (Technisch)

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7318, an affidavit by Herr Karl von Heider, dated 28 June 1947.

Nuernberg, 9 August 1947

GEORGE S. MARTIN
 ETO NO. 20074
 Research Analyst
 OCCWC

Members of the (Mitglieder)
PHARMACEUTICALS COMMITTEE
 (PHARMAZEUTISCHE HAUPTKONFERENZ)
 (1926-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Vorstand Members (Mitglieder des Vorstandes)</u>	
1. <u>MANN, Rudolf</u> (Chairman - Vorsitzender)	1926-1930
2. <u>HOERLEIN, Heinrich</u> (Chairman - Vorsitzender)	1930-1945
3. <u>AMMELBURG, Alfred</u>	1926-1930
4. <u>BRUEGGEMANN, Max</u> -----	1934-1945
5. <u>DOERMER, Otto</u>	1926-1931
6. <u>LAUTENSCHLAGER, Karl</u> -----	1926-1945
7. <u>MANN, Wilhelm Rudolf</u> (Vorstand Member since 1931) (Mitglied des Vorstandes seit 1931)	1926-1945
<u>Other Members (Andere Mitglieder)</u>	
8. <u>REINDA, Ludwig</u>	1926-1934
9. <u>BOCHMUEHL, Max</u>	1937-1945
10. <u>DUISBERG, Curt</u>	1936-1945
11. <u>FEHLE, Alfred</u>	1934-1945
12. <u>GROBEL, Josef</u>	1936-1945
13. <u>KREBS, Reinhold</u>	1931-1945
14. <u>LUTTER, Clemens</u> (Secretary-Protokollfuehrer)	1934-1945
15. <u>MENTZEL, Fritz</u>	1926-1945
16. <u>MERTENS, Anton</u>	1935-1945
17. <u>PAULMANN, Richard</u>	1938-1945
18. <u>SCHMITZ, Josef</u>	1943-1945
19. <u>SCHOENHOEFER, Fritz</u>	1939-1945
20. <u>SCHOLL, Franz</u>	1926-1931
21. <u>ZAHN, Gerhard</u>	1940-1945

(Continued)

(1)

Members of the
PHARMACEUTICALS COMMITTEE

(Continued, Page 2)

Certificate

I certify that the entries in the above table were compiled from Documents No. NL-9264, an affidavit by Richard Paulmann, dated 30 July 1947, and NL-9263, an affidavit by Hermann Baessler, dated August 1947.

Nurnberg, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 20074
Research Analyst
OCCWC

G L O S S A R Y

Some German Terms and Expressions used in connection with
Case No. VI.

WOERTERVERZEICHNIS

Einige deutsche Redewendungen und Ausdruecke, die im Zu-
sammenhang mit Prozess No. VI gebraucht werden.

A

A.A. (abbreviation for "Arbeitsausschuss" in Farben)	Working Committee of the Vor- stand (of I.G. Farben)
A.A. (abbreviation for "Auswaertiges Amt")	German Foreign Office
ABWEHREAUPTTRACHTER	intelligence or counter-intel- ligence agent or representative; security officer
A.G. (abbreviation for "Aktiengesellschaft")	stock company or stock corporation
Agfa (originally abbre- viation for "Actien- gesellschaft fuer Anilin-Fabrikation")	NOT TRANSLATED trade name for Farben photo- graphic products
AKTIE	share, stock
AKTIENGESETZ	stock corporation law
ARBEITSAMT	labor office
ARBEITSBUCH	employment book
ARBEITSEINSATZ	labor allocation or utilization of labor
ARBEITSLAGER	labor camp or work camp
ARISIERUNG	aryanization
AUFREUESTUNG	rearmament
AUFSICHTSRAT	"supervisory board of directors" (often not translated, since no exact American equivalent)
AUSSCHUSS	committee
AUSWEICHLAGER	dispersal point (for documents, equipment)

BADAMMON (originally abbreviation for "Badische Ammoniakwerke")	NOT TRANSLATED. An I.G. Farben sales office for nitrogen fertilizers
BATESTICK (originally abbreviation for "Badische Technische Stickstoff")	NOT TRANSLATED. An I.G. Farben sales office for technical nitrogen
BEAUFTRACHTER	agent (if government function: plenipotentiary)
BEIRAT	advisory board
BEITRIBUNG	requisition
BERGBAU	mining
BERGBAUGESELLSCHAFT	mining company
BERGREGHTLICHE GEWERKSCHAFT	mining corporation
BESCHLAGNAHME	sequestration or seizure
BETRIEB	plant, enterprise, establishment
BETRIEBSFUHRER	plant or enterprise manager (also special "plant leader" under Law for National Labor, 1934)
BETRIEBSGEMEINSCHAFT	works (plant) combine
BETRIEBSGEMANN	plant labor leader, plant labor trustee
BEVOLLMACHTIGTER	agent (if government function: plenipotentiary)
BEZIRK	district
B.H.G. (abbreviation for "Berg- und Huettenwerksgesellschaft Ost m.b.H.")	NOT TRANSLATED. A special corporation set up to operate in the occupied East
BRANAG (abbreviation for "Braunkohle-Benzin-A.G.")	NOT TRANSLATED. A corporation producing gasoline from lignite.
BRAUNKOHL	lignite or brown coal

C

CHEMA (abbreviation for "Chemikalien-Ausschuss") Chemicals Committee (of I.G. Farben)

D

DACHGESELLSCHAFT parent company or holding company

DAF (abbreviation for "Deutsche Arbeitsfront") German Labor Front

DAG (abbreviation for "Dynamit A.G. vorm. Alfred & Nobel & Co.") NOT TRANSLATED. The largest German corporation producing explosives

DEGESCH (abbreviation for "Deutsche Gesellschaft fuer Schnelllingsbekämpfung") NOT TRANSLATED. Corporation producing "Tykron B" and other products

DEGUSSA (abbreviation for "Deutsche Gold- und Silber-Scheide-Anstalt" vorm. Poeschl & Co., Frankfurt a.M.) NOT TRANSLATED. A corporation concerned with smelting and refining precious metals

DEUSEN foreign exchange

DEVISENRECHTSWIRTSCHAFT foreign exchange control

DEVISENGESETZ Foreign Exchange Law

DEVISENSTELLE foreign exchange control office

DEVISENRECHTSWIRTSCHAFT foreign exchange control

DIREKTOR a manager (title given to a member of the Vorstand or to a manager of a corporation, plant or division)

B

EIGENTUM	property or ownership
EINZIEHUNG	confiscation
ENTJUDUNG	"De-Judaization"; elimination of Jews from public or economic life
ERFASSEN	control or seize
ERFASSUNG	control or seizure
ERZIEHUNGSLAGER	a "disciplinary" camp
e.V. (abbreviation for "Eingetragener Verein")	chartered association

F

FABRIK	factory or plant
FACHARBEITER	skilled worker
FACHGRUPPE	OFTEN NOT TRANSLATED. A special or sub-group of a "Wirtschaftsgruppe" (Economic Group)
FEINDLICHES EIGENTUM	enemy property
FRANCOLOR	NOT TRANSLATED. Short name for a chemical corporation organized in France in 1941
FREIE MARK	free mark (unblocked)
FÜHRERPRINZIP	leadership principle
FÜHRUNGSAUSSPRUCH	claim to leadership

GAU	NOT TRANSLATED. Regional unit of the Nazi Party or of the Reich
GAUARBEITSAMT	Gau labor office
GAUWIRTSCHAFTSBERATER	Gau economic adviser
GAUWIRTSCHAFTSKAMMER	Gau economic chamber
G.B. Chen or Gebechen (abbreviation for "Generalbevollmächtigter Chemische Industrie")	OFTEN NOT TRANSLATED. Frequently used abbreviation for "General Plenipotentiary for Special Questions of Chemical Production". Office held only by Carl KRAUCH.
GEFOLGSCHAFT	"employees" and "workers" (personnel) under the Law for National Labor, 1934)
GEHEIM	secret
GEHEIME KOMMANDOSACHE	secret army matter
GEHEIME REICHSSACHE	secret state matter
GEHEIMER KONGERZIERAT	NOT TRANSLATED. An honorary German title "privy commercial councillor"
GEHEIMRAT	NOT TRANSLATED. An honorary German title or form of address for high civil servant: "Privy Councillor"
G.m.b.H. (abbreviation for "Gesellschaft mit beschränkter Haftung")	limited liability corporation
GENERALBEVOLLMÄCHTIGTER	general plenipotentiary
GENERALDIREKTOR	general manager (title given to the Vorstand chairman or chief manager of a corporation). Compare "Direktor".
GENERALVERSAMMLUNG	stockholders' meeting (called "Hauptversammlung" after Stock Corporation Law (Aktiengesetz) of 1937)
GENERALVOLLMACHT	general power of attorney
GESCHÄFTSANTHEIL	participation share (ownership rights in a G.m.b.H.)
GESCHÄFTSFÜHRER	manager (of a G.m.b.H.)

G (cont'd)

GESCHAFTSORDNUNG	by-laws
GESELLSCHAFTSVERTRAG	articles (or certificate) of incorporation, articles of a partnership (called "Satzung" after Stock Corporation Law (Aktien-gesetz) of 1937)
GESETZ	law, statute, act
GESTAPO (abbreviation for "Geheim Staatspolizei")	Secret State Police
GEWERKSCHAFT	mining corporation or a trade union
GRUBE	pit, mine

H

HANDEL	trade, commerce
H.G.B. (abbreviation for "Handelsgesetzbuch")	German commercial code
HANDLUNGSGEVOLLMACHTIGTER	OFTEN NOT TRANSLATED. Employee with power of attorney; entitled to bind his firm by his signature, either generally or for a specified type of transactions
HAUPTAUSSERBEAUFTRAGTER	intelligence or chief counter-intelligence chief agent or chief security officer
HAUPTAMT	main office
HAUPTGRUPPE	OFTEN NOT TRANSLATED. A major production division of I.G. Farben; in 1930ies usually referred to as a "Sparte".
HAUPTVERSAMMLUNG	stockholders' meeting (after Stock Corporation Law (Aktien-gesetz) of 1937)
H.W.A. (abbreviation for "Heereswaffenamt")	Army Ordnance Office
H.T.O. (abbreviation for "Haupttreuhandstelle Ost")	Sometimes translated as "Main Trustee Office East", a special Reich agency for occupied Poland.
HUTTENWERK	foundry or smelting plant

I

INDUSTRIE

industry

I.G. (abbreviation for
"Interessengemein-
schaft")

community of interests

J

JASCO (abbreviation for
"Joint American Study
Company")

NOT TRANSLATED. An
American corporation.

JATO (abbreviation for
"Jahrestonnen")

tons per year

K

K.A. (abbreviation for
"Kaufmännischer Aus-
schuss")

Commercial Committee
(of I.G. Farben)

KAMPFSTOFFE

chemical warfare agents
or materials; poison
gases

KARTELL

cartel

K.G. (abbreviation for
"Kommanditgesellschaft")

NOT TRANSLATED. Similar
to a limited partnership

KOMMISSARISSCHER LEITER

acting or special leader,
chief or manager

KONZERN

concern

KREDIT

credit or authorized
expenditures

KRIEGSGEFANGENER

prisoner of war

KRIEGSSPIELE

war games or maneuvers

KRIEGSWIRTSCHAFT

war economy

KUX

mining corporation share

K.Z. (abbreviation for
"Konzentrationslager")

concentration camp

L

LAGER	camp
LAGERFUEHRER	camp leader
LEIHARBEITER	"loan workers". Foreign and German workers "loaned" by one employer to another.
LEITER	leader, head, chief, or manager

M

MdR (abbreviation for "Mitglied des Reichstags")	member of the German Diet
MITGLIED	member
MOB (abbreviation for "Mobilisierung")	mobilisation
MONTAN (abbreviation for Montanindustrie-gesellschaft)	short name for a government-controlled holding company for armament plants operated by various private concerns
MOTO (abbreviation for Monatstonnen)	tons per month
MUTTERGESELLSCHAFT	parent company

N

NEUORDNUNG	New Order
NSDAP (abbreviation for "Nationalsozialistische Deutsche Arbeiterpartei")	National Socialist German Workers Party (Nazi Party)
NW 7 (abbreviation for "I.G. Berlin NW 7")	A short name for most of I.G. Farben's Berlin offices located in Berlin NW 7.

O

ÖEMAG (abbreviation for "Österreichische Magnet-Aktiengesellschaft")	an Austrian corporation
o.H.G. (abbreviation for "Offene Handelsgesellschaft")	an ordinary partnership
OKH (abbreviation for "Oberkommando des Heeres")	High Command of the Army
OKL (abbreviation for "Oberkommando der Luftwaffe")	High Command of the Air Force
OKM (abbreviation for "Oberkommando der Marine")	High Command of the Navy
OKW (abbreviation for "Oberkommando der Wehrmacht")	High Command of the Armed Forces
OSTARBEITER	"eastern workers". Workers from occupied areas of the Soviet Union
OSTARBEITERABGABE	eastern workers tax

P

PAKO (abbreviation for "Patentkommission")	Patent Commission (of I.G. Farben)
PATENSCHAFT	sponsorship
Pg (abbreviation for "Parteigenosse")	member of NSDAP
PHARMA (abbreviation for "Pharmazeutika")	short designation of pharmaceutical departments, often used in connection with a number of pharmaceutical agencies of I.G. Farben
PHARMAZEUTISCHE HAUPT-KONFERENZ	Pharmaceuticals Committee (of I.G. Farben)
PLANSPIEL	map exercise, war game, or maneuver
PLANUNGSAMT	planning office
PLUNDERUNG	plunder or pillage

PRÄSIDIUM

presidium

PROKURIST

NOT TRANSLATED. Employee with a general power of attorney

PRÜFUNGSSTELLE CHEMIE

A government control agency for exports of chemical products, established in 1935

R

RAM (abbreviation for "Reichsarbeitsministerium")

Reich Labor Ministry

RAUB (or BEHAUBUNG)

spoliation

RFM (abbreviation for "Reichsfinanzministerium")

Reich Finance Ministry

RGBl. (abbreviation for "Reichsgesetzblatt")

Reich official gazette

REICHSGRUPPE

Reich Group

REICHSKOMMISSAR

Reich commissioner (sometimes commissar)

REM (abbreviation for "Reichskriegsministerium")

Reich War Ministry

RLM (abbreviation for "Reichsluftfahrtministerium")

Reich Air Ministry

REICHSMINISTERIUM FÜR RÜSTUNG UND KRIEGSPRODUKTION (Speer Ministry)

Reich Ministry for Armament and War Production

REICHSSTELLE CHEMIE

a government control agency for the production and distribution of chemical products (from 1934 to 1939: Überwachungsstelle Chemie)

REICHSSTELLEN

special Reich agencies or offices

REICHSTAG

German Diet

REICHSVERRAND DER DEUTSCHEN INDUSTRIE	Reich Association of German Industry
RVE (abbreviation for "Reichsverband Eisen")	Reich Association Iron
RVK (abbreviation for "Reichsverband Kohle")	Reich Association Coal
REICHSWIRTSCHAFTSKAMMER	Reich Economics Chamber
RWM (abbreviation for "Reichswehrministerium" or "Reichswirtschafts- ministerium")	Reich War Ministry or Reich Economics Ministry
RWM (abbreviation for "Reichswirtschafts- ministerium")	Reich Economics Ministry
RRIKA (abbreviation for "Reichsstelle fuer Kautschuk")	Reich control office for rubber
ROGMS (abbreviation for "Rohstoffhandelsgesell- schaft m.b.H.")	a short name for the central procurement agency for raw materials from occupied territories
ROHSTOFF	raw material
RUESTUNGSAMT	Armaments Office (a depart- ment in Ministry for Armaments and War Production)

5

GARIN	a poison gas developed by I.G. Farben
SATZUNG	articles of incorporation (after 1937)
SCHUTZHAFT	protective custody
SICHERUNG	securing, safeguarding
SOMAN	a poison gas developed by I.G. Farben
SPARTE	USUALLY NOT TRANSLATED. A major production division of I.G. Farben. See also "Hauptgruppe".
SPERRMARK	blocked Reichsmark
STAATSGEHEIMNIS	state secret

STAATSSSEKRETAR	state secretary (title of the highest permanent official of a ministry)
STAHL	steel
STAMMARTIE	common share
STEINKOHLE	bituminous coal or soft coal
STELLVERTRETER	deputy
STILLHALTVEREINBARUNG	moratorium or standstill agreement
STRAFGEFANGENER	convict
STRAFLAGER	punitive camp or disciplinary camp
SYNDIKAT	syndicate

T

TARUN	a poison gas developed by I.G. Farben
TARNUNG	camouflage or concealment
THA (abbreviation for "Technischer Ausschuss")	Technical Committee (of I.G. Farben)
TEKO (abbreviation for "Technische Kommission")	Engineering Committee (of I.G. Farben)
TOCHTERGESELLSCHAFT	subsidiary company
TRUSTHABER	trustee or custodian
TRUSTHABER DES ARBEIT	labor trustee (under Law for National Labor, 1934)

U

UEBERWACHUNGSSTELLE CHEMIE	a government control agency for the production and distribution of chemical products, established in 1934 (after 1939 renamed: Reichsstelle Chemie)
UNTERNEHMEN	enterprise

Y

VERKAUFSGEMEINSCHAFT	Sales combine
VERMITTLUNGSSTELLE W	NOT TRANSLATED. Military liaison office (of I.G. Farben)
VERWERTCHEMIE	abbreviation for a DAG- controlled corporation for operating Reich-owned explosives plants
VERORDNUNG	decree or ordinance
VERTRAULICH	confidential
VERWALTUNGSRAT	OFTEN NOT TRANSLATED. The administrative council of I.G. Farben's Aufsichterrat until 1937; otherwise an administra- tive council or board
VIERJAHRESPLAN	Four Year Plan
VIAG (abbreviation for "Vereinigte Industrie- Aktiengesellschaft")	Reich holding corporation for all government-owned industrial enterprises
VORSITZENDER, VORSITZER	chairman
VORSTAND	"managing board of directors" (often not translated since no exact American equivalent)
VORSTANDSMITGLIED	member of a Vorstand
VORZUGSAXTIE	preferred share
VOWI (abbreviation for "Volkswirtschaftliche Abteilung")	OFTEN NOT TRANSLATED. I.G. Farben's economic research department, located in Berlin NW 7

Y

WASAG (abbreviation for "Westfälisch-Anhalti- sche Sprengstoff A.G.")	a German corporation producing explosives
WEHRKREIS	military district
WEHRMACHTSGEFANGENER	a soldier-prisoner (a member of the German armed forces)
WERKSCHUTZ	plant police or plant protective group

WEHRWIRTSCHAFT	military economy
WEHRWIRTSCHAFTSFUEHRER	OFTEN NOT TRANSLATED Military Economy leader
WIPO (abbreviation for "Wirtschaftliche For- schungsgesellschaft m.b.H.")	Reich corporation for stock-piling gasoline and construction of explosives plants
WIPO (abbreviation for "Wirtschaftspolitische Abteilung")	OFTEN NOT TRANSLATED. I.G. Farben's Political- Economic Policy Depart- ment, located in Berlin NW 7
WIRTSCHAFT	economy or business
WIRTSCHAFTSGRUPPE	Economic Group
WIRTSCHAFTSGRUPPE CHEMISCHE INDUSTRIE	Economics Group Chemical Industry
WIRTSCHAFTSKAMMER	economics chamber
WIRTSCHAFTSPRUEFER	auditor

Z

Z.A. (abbreviation for "Zentralausschuss")	Central Committee of the Vorstand (of I.G. Farben)
ZECHE	mine
ZEFI (abbreviation for "Zentral-Finanzverwal- tung")	OFTEN NOT TRANSLATED. Central Finance Admin- istration (of I.G. Farben) located in Berlin NW 7
ZENTRALBUCHHALTUNG	Central Bookkeeping Department (of I.G. Farben)
ZENTRALSTEUERABTEILUNG	Central Tax Department (of I.G. Farben)
ZENTRALE PLANUNG	Central Planning Board of the Four Year Plan
ZYKLON "B"	Cyclon "B". A fumigant, originally developed as an insecticide, later used for exterminating human beings in concentration camps.

MILITARY TRIBUNAL NO. 6

CASE NO. 6

BASIC INFORMATION

ON

I.G. FARRINGTON

Vol. 2

submitted by the
CHIEF OF COUNSEL FOR WAR CRIMES

Nurnberg, Germany
20 August 1947



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MILITARY TRIBUNAL NO. 6

CASE No. 6

BASIC INFORMATION

ON

I. G. FARBEINDUSTRIE

Vol. II

PRIVATE AND GOVERNMENTAL INSTITUTIONS
CONTROLLING GERMAN ECONOMY,
WITH PARTICULAR REFERENCE TO CHEMICAL INDUSTRY

Submitted by the
CHIEF OF COUNSEL FOR WAR CRIMES

Nurnberg, Germany
20 August 1947



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Part I

Private and Semi-Public Institutions

A. Pre-Hitler-Germany

1. Industrial Associations

Before the Hitler accession to power in 1933 German industry and business was grouped together in a tremendous variety of trade associations, federations and coordinating groups. Three general types may be distinguished: territorial organizations of Chambers of Industry and Commerce, functional industrial associations, and employers associations.

The territorial associations were Chambers of Industry and Commerce and Chambers of Handicraft, which were organized locally. They were public law organization in which membership was compulsory for all businessmen in the area. Dues were collected like taxes, and they were regulated by the relevant state ministry. They were affiliated with regional associations (which were private in character) and at the national level there existed a Diet of German Industry and Commerce. These organizations exerted little influence politically but were important locally much in the same manner as Chambers of Commerce in America.

The functional associations were much more powerful. Industry, handicraft, trade, banking and insurance were each organized into national associations which drew their members from the functional associations in that particular field. The national, or top association (Spitzenverband), for industry was the Reichsverband der Deutschen Industrie or R.D.I. (Reich Association of German Industry). It was founded in 1919 by the merger of two similar associations, one of which had been in existence since 1876. It

was composed of a great number of member groups organized by type of industry. Individual entrepreneurs were also members of the R.D.I.. The member groups in turn were composed of smaller affiliates which were both regional and functional in

nature. The member group in the R.D.I. for the chemical industry was the Verein zur Wahrung des Interesses der Chemischen Industrie Deutschlands (Association for the Protection of the Interests of German Chemical Industry). It had been in existence since 1877. There existed similar groups for all important industries, such as for mining, iron industry etc.

These associations were voluntary organizations, elected their own officials, and were completely self-governing. They exerted a tremendous influence on government economic policies and furnished their members with a variety of services dealing with questions of economic policy, imports, exports, finance and reparations questions, etc. They also served as advisory and coordinating agencies for the cartels.

2. Market Regulating Associations

The industrial associations described above were primarily pressure groups. German industry was also organized into associations designed to regulate marketing activities. The most common device for achieving this purpose was the cartel - a contractual agreement between legally separate enterprises in the same branch of industry to regulate or eliminate competition among themselves. There were many types of cartels, including agreements to fix and regulate prices; impose production quotas; geographically divide markets; specify production and methods of production for each member; assign customers; control bidding for orders; fix sales terms; pool net profits. Some cartel agreements also provided for the establishment of separate sales companies to handle the sales and marketing activities of all members. Purchasers could obtain the desired products only from the common sales organization; profits were pooled and distributed to the contracting parties according to previous arrangement. This form of organization was generally known as a syndicate.

There was never any substantial governmental opposition to the cartel system. The common law doctrines of restraint of trade and the

principles underlying the anti-trust legislation of the United States had no counterpart in Germany. The growth of the cartel movement was, therefore uninhibited.

B. Changes under the Third Reich

1. Industrial Associations

The basic law concerning the new organic structure of German business was promulgated 27 February 1934. The Reich Minister of Economics was established as the supreme leader of German economy. The first article of the decree provided:

"The Reich Minister of Economics is empowered for the preparation of the organic structure of the German Economy:

"1. To recognize economic associations (Wirtschaftsverbände) as the sole representative of their economic branch;

"2. To establish, to dissolve, or to merge economic associations;

"3. To amend, to supplement by-law and contracts (Gesellschaftsverträge) of economic associations; particularly to institute the leadership principle (Führergrundsatz)."

The changes effected pursuant to this decree converted the pre-existing highly organized associations into compulsory organizations under the general direction of the Minister of Economics.

The territorial organizations of the Chambers of Industry and Commerce, and Chambers of Handicraft were continued. However, they were consolidated in the middle level to regional economic chambers (Wirtschaftskammern) and at the national level into a federation of Chambers of Industry and Commerce. A new agency, the Reich Economic Chamber (Reichswirtschaftskammer) was established in the Ministry of Economics to coordinate at the top level the functional and territorial associations.

The new functional organizations consisted of:

- (a) Reich groups (Reichsgruppen)
- (b) Economic groups (Wirtschaftsgruppen)
- (c) Sub-groups (Fachgruppen)

There were seven Reichsgruppen at the top level, one each for

industry, commerce, banking, insurance, power, handicraft and tourist traffic. They corresponded to the former Spitzenverbände. The R.D.I., referred to above, became the Reichsgruppe Industrie. It was made up of 31 Economic Groups, each representing one branch of industry. Each of these Groups in turn was further sub-divided into various sub-groups or into territorial sub-divisions of the Economic Group.

Every entrepreneur was required to belong to the local Chamber in his area and to the appropriate functional organization comprising his business. The elective features of the former organizations were abolished and the leadership principle adopted for the selection of officers. The Minister of Economics appointed the heads of the Reich Economic Chamber and of the Reichsgruppen and these heads in turn appointed the subordinate leaders. The charter of each group was decreed by its leader and he had the duty to lead his group in accordance with the principles of the National Socialist State.

The former Association for the Protection of the Interests of German Chemical Industry became the Economic Group Chemical Industry (Wirtschaftsgruppe Chemische Industrie) and all the other associations of the major industries became the Economic Groups in their respective fields. Actually the change in organization meant very little as far as the controlling personalities of the functional organizations were concerned. The leading men of the former associations were appointed by the Reich Minister of Economics to the corresponding offices in the newly created Economic Groups. In 1934 a new Economic Group "Liquid Fuels" (Wirtschaftsgruppe Kraftstoffe) was created.

The Economic Groups were sub-divided into both regional and professional sub-groups. The most important professional sub-groups (Fachgruppen) were those for chemical production of fibres, rubber industry, pharmaceutical products, mineral colors, etc.

The Economic Groups continued in existence until the end of the war although their specific functions varied considerably as the economic situation of Germany changed. They had no power to issue binding

legislative decrees on their own initiative, but they served as a convenient medium through which the government exercised its controls over industry. On the other hand, they had substantial influence over the government itself in shaping such controls.

2. Market Regulating Associations

During the early years of the Third Reich private cartels continued to be very influential. The Ministry of Economics was authorized to establish compulsory cartels by a decree of 15 July 1933, or to compel outsiders to maintain membership in existing ones. The Braunkohle-

Benzin A.G. (BRABAG), which was one of the most important German corporations which produced synthetic gasoline from brown coal with the help of I.G. Farben technicians and under I.G. Farben licenses, was created by Schacht as such a compulsory cartel through a decree of 28 September 1934. All owners of lignite fields were compelled to contribute to the share capital of the BRABAG according to the size of their holdings of lignite fields.

The same legal basis was used during the war for the creation of the Reich Association Coal (Reichsvereinigung Kohle - RVE) and the Reich Association Iron (Reichsvereinigung Eisen - RVE), which were given governmental functions to regulate the production and marketing of coal and iron.

Part II

Government Economic Agencies

There is set forth below a brief description of the more important government agencies concerned with the control of economy in the Third Reich. A number of agencies have been omitted from this discussion since they are not directly involved in the present proceedings.

There were constant changes in the economic structure of Nazi Germany as the regime faced in turn the problems of domestic consolidation, intensive rearmament, and the waging of war. New agencies were created to meet new problems and functions were shifted from one agency to another, often without clear lines of demarcation.

A. The Ministry of Economics (Reichswirtschaftsministerium - RWM)

At the beginning of the Nazi Regime, the Reich Ministry of Economics was the central government agency for the determination of economic policy and economic administration. Its importance decreased after Goering had been appointed Plenipotentiary for the Four Year Plan in the fall of 1936. After the reorganization by Goering in February 1938, the Ministry of Economics regained to some extent its former position. During the war it gradually lost its influence, this time to the Ministry of Arms and Munitions headed by Speer. Speer finally gained complete control over all of German production in 1943, leaving the Ministry of Economics only the control of supply and distribution of consumer goods for civilian population, foreign trade, foreign trade policy and control of credit institutions.

The first Minister of Economics in Hitler's cabinet was Alfred Hugenberg, leader of the German Nationalist Party, who resigned in June 1933. His successor was Kurt Schmitt, general manager of the Allianz and Munich Reinsurance Company, who remained in office until August 1934. Dr. Hjalmar Schacht, who was President of the Reichsbank since March 1933, was then appointed Acting Minister of Economics; he resigned in November 1937. From November 1937 to February 1938 Goering

~~took over the Ministry of Economics~~, which he relinquished to Walter Funk on 5 February 1938. Funk remained Minister of Economics until the end of the war.

When Funk became the Minister of Economics in 1938, leading officials of the Four Year Plan were put in charge of the most important main departments of his Ministry and many functions which the office of the Four Year Plan had taken over during the period of rivalry between Goering and Schacht were transferred back to the Ministry of Economics. Only for special fields of production, which were particularly important to the war effort, did Goering appoint Plenipotentiaries General who were vested with the full power of the Four Year Plan in their particular fields. General von Henneken was appointed Plenipotentiary General for Iron and Steel in 1937; Dr. Krauch was appointed Plenipotentiary General for Special Tasks of Chemical Production in 1938. During the war, Speer and Sauckel were appointed Plenipotentiaries General for their particular fields described below.

The reorganization of the industrial associations, described above, began under Schmitt's regime. Schacht, instituted a "New Plan" which was designed to rebuild German economy and further the secret rearmament. Upon Schacht's resignation his "New Plan" was replaced by Goering's Four Year Plan which was to make Germany ready for war within four years and to make it self-sufficient in the most important strategic materials.

The offices through which the Ministry of Economics controlled the raw materials and foreign trade were the Supervisory Offices (Ueberwachungstellen). They were created in 1934 by Schacht within the framework of the "New Plan", and played an important role in the mobilization of industry for war. Together with the Military Economics Staff (Wehrwirtschaftsstab) of the OKW and the Reich Ministry of Economics, they determined the mobilization tasks (Mob-Aufgaben) for the various industrial enterprises, after the plants had submitted all details about their production capacity for the products needed in case of mobilization.

In the field of chemistry, the "Supervisory Office Chemistry" (Uebersichtsstelle Chemie) and the Economic Group were cooperating very closely and in many cases did not delimitate their jurisdictions. Dr. Ungewitter held a double position as both general manager of the Economic Group Chemical Industry and Reich Commissioner (Reichsbeauftragter) in the Supervisory Office Chemistry. The personnel worked in many cases for both agencies so that it was often difficult to distinguish in which capacity they acted in a specific case.

At the outbreak of the war the supervisory offices were renamed "Reichsstellen". In the course of the war years the tasks of the Reichsstellen concerned with rationing of raw materials increased greatly and in the later years of the war considerable uncertainty arose as to the delimitation of the jurisdiction of the Economic Groups and Reichsstellen in the field of raw material controls. In the chemical field, however, these difficulties were avoided on account of the "personal union" in the direction of Economic Group and Reichsstelle which existed both through Dr. Ungewitter and his top associates.

Within the organization of the Ministry of Economics all questions of chemical industry and mineral oil were handled after 1933 by the Department for Chemistry under the direction of Ministerial Councillor Dr. Drueck and later by Dr. Geheimrat (Privy Councillor) Kuegler. In 1938 Dr. Mulert, who had become in the meantime a "Ministerialdirigent", took over the Department for Chemistry again and one year later Dr. E.R. Fischer, a former I.G. Farben director was put in charge of the Department for Mineral Oil from 1939 to 1945. In 1934 all questions of armament economy were concentrated in a special department under the direction of Ministerial Councillor Godlewski. Under him Ministerial Councillor Dr. Lenz was in charge of the chemical sector for armament economy.

B. The Office of the Four Year Plan (Vierjahresplan)

Following Hitler's announcement of the Four Year Plan at the

Reich Party Rally on 9 September 1936, Goering was given the job of putting it into effect and was vested with far reaching authority to give orders to all governmental and party agencies, thus creating a super-ministry in the field of economics. Goering created six "administrative groups" (Geschäftsgruppen) to coordinate all problems involved in the rearmament program: 1) for production of raw materials and synthetics, 2) for distribution of raw materials, 3) for labor allocation, 4) for agricultural production, 5) for price formation, and 6) for foreign exchange. These administrative groups consisted of a few select experts from the agencies which had been concerned with these problems before the creation of the Four Year Plan. These officials remained in their former offices; they were however, vested with the authority of Goering under Hitler's Four Year Plan Decree. The first administrative group for production of raw materials and synthetics was known as the Office for German Raw Materials and Synthetics (Amt fuer deutsche Roh- und Werkstoffe) under Col. Loeb. In 1938, in the course of the reorganization of the Office of the Four Year Plan, this office transferred to the Reich Ministry of Economics ^{was} and renamed Reich Office for Economic Development (Reichsstelle fuer Wirtschaftsausbau) under Lt. Col. Crumatis and since 1942 under Professor Krauch. Since the outbreak of the war the official title of this organization was changed from "Reichsstelle" to "Reichsamt" fuer Wirtschaftsausbau.

Since the office of the Four Year Plan consisted of representatives taken from various other government agencies who continued their work within their government agencies, it was necessary to create the central coordinating board of the leading men of the Four Year Plan. The General Council of the Four Year Plan (Generalrat des Vierjahresplanes) met usually once a week under the chairmanship of Goering himself or of State Secretary Koerner. All Plenipotentiaries General of the Four Year Plan and all heads of the "Administrative Groups" attended these regular meetings. Since the beginning of the war the intervals between the meetings grew longer and with the declining

importance of Goering in the economic field the General Council of the Four Year Plan lost its importance after 1941.

After 1942, when Goering had abandoned all activity in the field of the Four Year Plan, the Plenipotentiaries General such as Krauch, Speer and Gauckel were practically independent in their fields since their theoretical superior, Goering, did not actively exercise his function as Commissioner of the Four Year Plan any more.

C. Central Planning Board (Zentrale Planung)

The Central Planning Board (Zentrale Planung) was created by Goering in April 1942 as the supreme coordinating agency for the German war effort. This Board was officially an agency of the Four Year Plan; for all practical purposes however it was the instrument through which Speer directed the entire German war effort between 1942 and 1945.

The Central Planning Board was composed of three members, Speer, Milch and Koerner. Each had equal authority, although Speer dominated the proceedings. The function of the Central Planning Board in the main was planning the distribution and allocation of raw materials necessary for the conduct of the war, and the allocation of manpower to the principal sectors of war economy. In September 1943 Funk, the Reich Minister of Economics was appointed as fourth member of the Central Planning Board. Gauckel appeared frequently before the Central Planning Board when labor questions were under discussion, as did all important governmental and industrial organizations concerned in the allocation of labor.

D. The Speer Ministry

The Ministry of Arms and Munitions (Ministerium fuer Bewaffnung und Munition) was created in March 1940 and its first head was Dr. Fritz Todt, founder of the "Organization Todt". Its function was to coordinate the activities of all agencies and private enterprises engaged in the manufacture of armaments and to improve war production from a technological point of view. Dr. Todt did not develop the

Ministry into a well-knit organization although he made a substantial beginning in the direction of controlling private enterprises engaged in the manufacture of armaments. He created a number of administrative bodies, staffed with representatives from industry itself, for the purpose of pooling production know-how and technological developments. In February 1942 Todt died and was succeeded by Albert Speer, a very active and energetic man of considerable organizational ability.

Under Speer's direction the Ministry became the most important single influence on industrial production for the prosecution of the war. Shortly after Todt's death Speer was designated as Plenipotentiary General for Armament Tasks of the Four Year Plan. From then on the Speer Ministry gradually absorbed a variety of functions formerly performed by others, including the Ministry of Economics, the Wehrmacht and the Luftwaffe. On September 1943 this acquisition of power resulted in a reorganization of the Ministry and the change of its name to the Ministry of Armament and War Production (Ministerium fuer Ruestung und Kriegsproduktion).

Speer developed the system initiated by Todt of utilizing representatives of the armament industry into the system of "self-responsibility of industry" (Selbsterantwortlichkeit der Industrie). He established Main Committees (Hauptausschuesse) and Rings (Ringe) staffed entirely from the ranks of private industry. The Main Committees were boards of technicians concerned with production and processing of one end product. The Rings were similar boards concerned with the production of one part which entered into the production of several other end products. A Main Committee, e.g. was established for the production of tanks; a Ring for the production of ball-bearings. The most important departments of Speer's Ministry for our purposes were:

- 1) The Planning Office (Planungsamt), headed by Hans Kehrl, which was responsible for overall planning in all matters of production and distribution. The Planning Office acted not only as an agency of the

Speer Ministry but was the executive agency of the Central Planning Board (Zentrale Planung).

2) The Raw Materials Office (Rohstoffamt), also headed by Kehrl, which was responsible for the production of basic raw materials other than iron and steel. This office controlled the Reich Association Coal - RVK, Main Ring Metals, Economic Group Chemical Industry and other Reich Associations and Economic Groups in the raw materials field.

3) The Armament Supply Office (Ruestungslieferungsamt), headed by Dr. Schieber, which was in charge of iron and steel production and other semi-finished materials necessary for armament production. This office controlled the Reich Association for Iron - RVE, and the Main Rings concerned with the production of metal intermediate products.

4) Armament Office (Ruestungsamt) - The Armament Office which was responsible for the final production of arms and munitions. This office was originally an agency of the OKW called the Military Economy and Armaments Office (Wi-Rus-Amt). It was headed by General Thomas while part of the OKW, and Thomas continued to head it after its transfer to the Speer Ministry in May, 1942. Thomas was succeeded in 1943 by Maj. Gen. Kurt Maeger.

The Armament Office of the Speer Ministry supervised the regional organizations originally established by the Army Ordnance Offices. The regional organizations consisted of Armament Inspectorates and Armament Commands, which were staffed by military personnel throughout the war.

E. Reich Ministry of Labor (Reichsarbeitsministerium - RAM)

The Reich Ministry of Labor was headed from 30 January 1933 to the end of the war by Franz Seldte. Originally it was the highest authority on all labor questions. The responsibility for the allocation and supply of labor was transferred in 1936 to the Office of the Four Year Plan, where it was under the supervision of Dr. Mansfeld and Dr. Syrup. The procurement of labor from occupied territories was

begun by this Labor Allocation Office, which utilized the lower echelons of the Reich Labor Ministry for the distribution of this labor.

The lower echelons of the Reich Labor Ministry were the Provincial Labor Offices (Landesarbeitsämter) and the Local Labor Offices (Arbeitsämter). A law of May 1933 had established, for questions of wages and working conditions, the institution of Reich Trustees of Labor (Reichstreuhänder der Arbeit). In 1943 the Reich Trustees of Labor were consolidated with the Provincial Labor Office (Landesarbeitsämter) into Gau Labor Offices (Gau Arbeitsämter).

F. The Plenipotentiary for Labor Allocation (Generalbevollmächtigter für den Arbeitseinsatz)

The Labor Allocation Office of the Four Year Plan did not provide sufficient labor from the occupied territories. Consequently, Hitler appointed Fritz Sauckel, Gauleiter of Thuringia, Plenipotentiary General for Labor Allocation in February, 1942. Goering thereupon dissolved his own Labor Allocation Office and appointed Sauckel Plenipotentiary for Labor Allocation of the Four Year Plan as well. In order to provide Sauckel with executive agencies, the Main Departments III, headed by Dr. Kimmich, VI, headed by Dr. Tinn (originally Department V, headed by Dr. Beisiegel), and IX, headed by Professor Jung, of the Reich Ministry of Labor and the lower echelons of the Ministry viz., the Provincial Labor Offices and Local Labor Office, which together formed the Labor Allocation Administration (Arbeitseinsatzverwaltung), were transferred to Sauckel. Sauckel also had his special representatives in all occupied and satellite territories.

Part III

Military Economic Agencies of the Wehrmacht

In 1927 the Army Ordnance Office (Heereswaffenamt) formed a special Economic Staff (Wirtschaftsstab - WStb) with field offices (Ausstellen), Military Economy Officers (Wehrwirtschaftsoffiziere) and Military Regional Commands (Wehrkreiskommandos) for general questions of military economy.

After the seizure of power by Hitler the new branch of the Armed Forces, the Luftwaffe, created its own Ordnance Office (Waffenamt), and shortly thereafter the Navy also created its own Ordnance Office, so that the old organization within the Heereswaffenamt became only one of three agencies in charge of armaments.

On 1 November 1934 a central agency for the Armed Forces "Military Economics and Ordnance Affairs (Wehrwirtschafts und Waffenwesen)" was created. This central agency did not, however, have jurisdiction over the Ordnance Offices of the different parts of the Wehrmacht. Colonel Georg Thomas, the former Chief of Staff of the Heereswaffenamt, was made Chief of this new agency. In October 1935 the agency was renamed Military Economics Staff (Wehrwirtschaftsstab - WvSt); and in spring 1935 the so-called Military Economics Inspectorates (Wehrwirtschaftsinspektionen) were established, and the former military economy officers were incorporated in these newly organized inspectorates. The Wehrwirtschaftsstab, which in November 1939 was renamed Military Economy and Armament Office (Wi Ruc Amt), was in charge of the overall armament plan for all parts of the German Armed Forces. It was only after the first failures of the German Wehrmacht in Russia, when Hitler lost faith in the generals, that the civilian agencies gradually took over the functions which had been entrusted up to that time exclusively to military. In 1942 the Armament Office, the most important part of the Wi-Ruc-Amt was transferred to Speer's Ministry (See above (Page 14)) and the functions of Wi-Amt which was renamed later "Feld-

wirtschaftsamt² were greatly reduced.

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Case No. 6

Basic Information

ERSTE EINFUEHRUNG

on

I.G. FARBENINDUSTRIE

VOL. I

Unterbreitet von
CHIEF OF COUNSEL FOR WAR CRIMES

Nurnberg, Germany
20 August 1947



INTRODUCTION

This "Basic Information on I.G. FARBEWINDUSTRIE" is made up in the form of a ready reference manual with an appropriate table of contents. Some of the items in the Basic Information, such as the charts, have been authenticated and will be offered in evidence later. Many of the listings of membership in the governing bodies and main committees have been compiled from documents which will be offered in evidence later. However, it is not intended that the Basic Information itself be considered as evidence.

EINFÜHRUNG

Diese "Erste Einführung in die I.G. FARBEWINDUSTRIE" ist in der Form eines handlichen Nachschlagewerkes mit einem Inhaltsverzeichnis zusammengestellt worden. Teile dieser "Ersten Einführung", z.B. die Tafeln, tragen eine beglaubigte Bestätigung und werden später als Beweismaterial unterbreitet werden. Viele Mitgliederlisten der leitenden Gremien und Hauptkomitees sind aus Dokumenten zusammengestellt worden, die späterhin als Beweismaterial unterbreitet werden. Es ist aber nicht beabsichtigt, dass diese "Erste Einführung" selbst als Beweismaterial zu betrachten ist.



ERSTE EINFUEHRUNG
in die
I. G. FARBENINDUSTRIE

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I. EINIGE DER HAUPTSAECHLICHSTEN FORMEN
VON DEUTSCHEN KAUFMÄNNISCHEN UNTER-
NEHMEN, DIE IM FALL No. 6 VORKOMMEN.

I. VERGLEICHE MIT AMERIKANISCHEN GESELLSCHAFTSFORMEN UND AMERIKANISCHEM
RECHT.

1. Das deutsche Gesetz bezüglich kaufmännischer Gesell-
schaftsformen unterscheidet, wie auch das amerikanische, zwischen Unter-
nehmen, die juristische Personen sind, und solchen, die es nicht sind,
wie z.B. Handelsgesellschaften. Diese kennen jedoch einige der charakte-
ristischen Eigenschaften von Unternehmen, die juristische Personen
sind, besitzen. Beide Hauptkategorien weisen verschiedene Arten von
Unternehmen auf, in welchen Verantwortlichkeit und Haftung der Grunder
des Unternehmens verschieden geregelt sein können. Deutsche Unternehmen,
die juristische Personen sind, werden in nachfolgenden als Körper-
schaften (corporations) bezeichnet. Deutsche Körperschaften (corporat-
ions) kennen, ebenso wie die amerikanischen, Träger von Rechten und
in derselben Weise wie natürliche Personen
Befugnissen/sein; jedoch ist die Haftung der Eigentümer oder Aktien-
inhaber auf den Betrag ihrer Beteiligung an dem Unternehmen beschränkt.

2. Zu den Hauptformen kaufmännischer Unternehmen, die Körper-
schaften oder juristische Personen nach deutschem Recht sind, gehören:
die Aktiengesellschaft oder A.G. (stock corporation); die Gesellschaft
mit beschränkter Haftung oder G.m.b.H. (company with limited liability)
und die Bergrechtliche Gewerkschaft (corporation under mining law).
Die Hauptformen von deutschen kaufmännischen Unternehmen, die nicht
juristische Personen oder Körperschaften sind, umfassen die offene
Handelsgesellschaft oder o.H.G. (general partnership) und die Komman-
ditgesellschaft (limited partnership). I.G. Farben wurde im Dezember
1925 als A.G. gegründet.

II. FORMEN DEUTSCHER KÄUFMÄNNISCHER UNTERNEHMEN, DIE JURISTISCHE
PERSONEN SIND.

A. Aktiengesellschaft (A.G.)

1. Die A.G. ist einer amerikanischen Aktiengesellschaft sehr
ähnlich. Sie wird errichtet durch Einreichung und Eintragung von
Statuten (articles of incorporation), die bis 1937 als "Gesellschafts-
vertrag" und nach 1937 als "Satzung" bezeichnet wurden. Das Kapital
der Aktiengesellschaft ist in Aktien (shares) aufgeteilt, wobei welche
Aktienurkunden ausgestellt sind, die entweder Namensaktien (registered
shares) oder Inhaberk Aktien (bearer shares) sind. Nach deutschem Recht
haben sowohl Stamm- als auch Vorzugsaktien ein garantiertes Stimm-
recht; Vorzugsaktien können

ein erhöhtes Stimmrecht gegenüber den Stammaktien haben. Z.B. hatten in der I.G. Farben die Vorzugsaktien viele Jahre hindurch zehnfaches Stimmrecht, während eine Stammaktie des gleichen Nennbetrages nur eine Stimme hatte (Satzung, Par. 24). Das Kapital einer Aktiengesellschaft darf in allgemeinen nicht weniger als RM 500.000.- betragen.

2. Die A.G. hat zwei Verwaltungsorgane: das einen obliegt die allgemeine Überwachung, das andere die tatsächliche Geschäftsführung. Diese beiden Organe sind der Aufsichtsrat (Supervisory Board of Directors), und der Vorstand (Managing Board of Directors). Manchmal sind Aufsichtsrat und Vorstand als "Board of Directors" ins Englische übersetzt worden. Um Missverständnisse zu vermeiden, sind grundsätzlich die deutschen Bezeichnungen den Übersetzungen vorgezogen worden. Oberflächlich betrachtet, haben diese beiden Organe zusammen die Tätigkeit aus, die von dem Board of Directors einer amerikanischen Gesellschaft gewöhnlich ausgeübt wird. Wenn man jedoch diese beiden Organe, einzeln oder zusammen analysiert, dann decken sich ihre Funktionen nicht genau mit denen des amerikanischen "Board of Directors". Die Charakteristika des Aufsichtsrats und des Vorstands in deutschem Recht und in der Praxis sind in einem typischen Fall die folgenden:

AUFSICHTSRAT

3. Der Aufsichtsrat ist ein supervisory board of directors, welcher von den Aktionären in Verlauf der ordentlichen Generalversammlung (so genannt vor 1937) und der ordentlichen Hauptversammlung (so genannt nach 1937) gewählt wird. Mit einigen wichtigen Ausnahmen scheinen die Funktionen der Mitglieder des Aufsichtsrats den Funktionen der Mitglieder des Board of directors einer grösseren amerikanischen Gesellschaft zu entsprechen, die nicht Mitglieder des executive committee sind und die nicht an der

tatsächlichen täglichen Führung des Geschäfts teilnehmen. Zu den formalen Rechten und Pflichten eines Aufsichtsrats nach deutschem Recht gehören die Wahl, Überwachung und Entlassung der Vorstandsmitglieder, die allgemeine Befugnis der Leitung des Unternehmens durch den Vorstand, das Recht der Einsichtnahme und Prüfung der Geschäftsbücher und Belege, die Einberufung von General- bzw. Hauptversammlungen, und die Vertretung der Gesellschaft bei Verhandlungen mit dem Vorstand.

In welchem Ausmass der Aufsichtsrat tatsaechlich von dieser Moeglichkeit, die Taetigkeit der Aktiengesellschaft zu beeinflussen, Gebrauch macht, haengt natuerlich von einer Zahl von Faktoren ab, z.B. wer ist Eigentümer oder hat die Kontrolle ueber das Aktienkapital.

VORSTAND

4. Der Vorstand ist der executive board of Directors, der in allgemeinen die tatsaechliche Geschaeftsfuehrung der Gesellschaft vornimmt und der die Gesellschaft in ihren Beziehungen zu anderen vertritt. Die Vorstandsmitglieder koennen hinsichtlich ihrer Taetigkeit am besten mit den leitenden Angestellten einer grosseren amerikanischen corporation verglichen werden, die in executive committee taetig sind und an der tatsaechlichen Geschaeftsfuehrung teilnehmen. Im Jahre 1937 wurde das deutsche Aktiengesetz neu geregelt (RGBl. 1937 Teil I, Seite 107, vom 30. Januar 1937 und hierzu ergaenzende Vorschriften). Dem abgeaenderten Gesetz zufolge, wie es von den gesetzgebenden Koerperschaften geschriffen ist, kann der Vorsitz des Vorstandes (chairman of the Vorstand) entweder der massgebende und entscheidende Leiter des Unternehmens (der Fuehrer) sein, oder nur ein primus inter pares im Vorstand; in diesem Fall ist der Vorstand als Ganzes als "Fuehrer" oder massgebender Leiter des Unternehmens anzusehen. ("Aktiengesetz, Gesetz ueber Aktiengesellschaften und Kommanditgesellschaften auf Aktien vom 30. Januar 1937" Kommentar von Dr. Franz Schlegelberger, Staatssekretaer im Reichsjustizministerium, und anderen, Berlin 1939, Seite 235 und 236). Fuer die I.G. Farben wurde die zweite Moeglichkeit gewaehlt und in der Praxis durchgefuehrt.

5. Im Verhaeltnis zum Vorstand und Aufsichtsrat wird die Konfession des Gesetzes von 1937 in allgemeinen dahingehend aufgefasst, dass es die Macht und den Einfluss des Aufsichtsrates geschwaecht hat. Unter anderen sieht es vor, dass der Aufsichtsrat kein Vorstandsmitglied vor Ablauf seiner Wahlzeit absetzen kann, mit

der Ausnahme des Vorliegens besonderer Gründe. ("for just cause").
Die Verteilung der tatsächlichen Macht und des Einflusses zwischen
Vorstand und Aufsichtsrat einerseits, und die tatsächliche Einfluss-
nahme der Aktionäre andererseits, wird in jedem Unternehmen ver-
schieden sein und teilweise abhängen von besonderen Faktoren und
Umständen. Zum Beispiel

kann der Besitzer der Aktienmajorität den beherrschenden Einfluss in einer A.G. haben, sei es als Vorstandsmitglied, Aufsichtsratsmitglied oder auch ohne eines von beiden zu sein, kann er als Besitzer der Aktienmajorität die Mitglieder des Aufsichtsrates wählen, die ihrerseits wieder die Mitglieder des Vorstandes wählen.

JÄHRLICHE AKTIONÄRVERSAMMLUNG.

6. Die Aktienbesitzer oder deren bevollmächtigte Vertreter haben das Recht, in der jährlichen Generalversammlung Auskunft zu verlangen über den Jahresbericht des Aufsichtsrates, und des Vorstandes, bezuglich der Geschäftsführung im allgemeinen. Die jährliche Aktionärsversammlung entlastet die Mitglieder des Aufsichtsrates und des Vorstandes hinsichtlich der Ausübung ihrer Pflichten. Sie genehmigt Sitzungsergebnisse und Kapitalserhöhungen.

B. Gesellschaft mit beschränkter Haftung (G.m.b.H.)

1. "Gesellschaft mit beschränkter Haftung" kann wörtlich ins Englische übersetzt werden als "Company with limited liability". Für gewöhnlich wird sie aber in Urkunden mit der deutschen Abkürzung "G.m.b.H." bezeichnet. Die G.m.b.H. war ursprünglich dazu bestimmt, Geschäftsunternehmen geringeren Umfangs die Möglichkeit zu geben, Geschäfte mit beschränkter Haftpflicht durchzuführen. Der Mindestbetrag für das Geschäftskapital betrug nur RM 20.000.—. Die Formalitäten für die Gründung einer G.m.b.H. sind einfacher als die für eine Aktiengesellschaft. Die Höhe der Einlage eines Teilhabers in der G.m.b.H. ist zumeist nicht in einer besonderen Urkunde festgelegt; sollte es der Fall sein, dann ist diese Urkunde nicht ohne weiteres übertragbar.

2. Die Geschäftsführung der G.m.b.H. ruht bei einer oder mehreren Personen, die "Geschäftsführer" ("business manager") genannt werden. Es gibt keinen Vorstand und das Gesetz verlangt

keinen Aufsichtsrat. Hat eine Gesellschaft einen Aufsichtsrat, so sagt das Gesetz, dass die Bestimmungen des Aufsichtsrates einer Aktiengesellschaft Anwendung finden, es sei denn, dass die Satzung der Gesellschaft etwas Gegenteiliges anordnet. Der uoberwachende Ausschuss, der die Funktionen eines Aufsichtsrates in einer G.m.b.H. ausubt, kann auch als Verwaltungsrat (administrative counsel) oder Beirat (advisory counsel) bezeichnet werden. Der Unterschied besteht grundsatzlich nur in Namen. Eine Anzahl von Tochtergesellschaften, die Farben gehoerten oder von Farben kontrolliert wurden, waren

G.m.b.H.'s mit einem Aufsichtsrat. Z.B. Buna-Werke G.m.b.H., Anorgan G.m.b.H., und die Chemischen Werke Huls G.m.b.H. In den besetzten Teilen der Sowjetunion wurden Spezialgesellschaften fuer die Durchfuehrung der Produktion gegruendet. Gewoehnlich waren diese Gesellschaften G.m.b.H.'s mit einem Verwaltungsrat. Unter diesen Spezialgesellschaften, an denen I.G. Farben in einem betraechtlichen Ausmass beteiligt war, waren die Chemie Ost G.m.b.H. und die Stickstoff Ost G.m.b.H. Nachdem Farben in besetzten Polen die grosse polnische Farbenfabrik Boruta erworben hatte, wurden die Teerfarbenwerke Litzmannstadt G.m.b.H. als Tochtergesellschaft fuer die Fuehrung der Fabrik gegruendet.

C. Bergrechtliche Gewerkschaft.

1. Diese Gesellschaftsform wurde ausschliesslich fuer Bergwerksunternehmungen unter dem Berggesetz gegruendet. Eine Anzahl von Bergwerksunternehmungen, die der I.G. Farben gehoerten oder von ihr kontrolliert wurden, wahlten diese Gesellschaftsform (z.B. die Gewerkschaft Auguste Viktoria und die Gewerkschaft Clara-Verein). Die Aktien (gewoehnlich 1000 an Zahl) wurden Kuxe genannt. Diese Kuxe repraesentierten Teile des Gesellschaftsvermoegens, sie hatten aber weder einen Nominal- noch ueberhaupt einen bestimmten Nennwert (no nominal or par value). Der Inhaber von Kuxen (Gewerke) war den Gläubigern der Gewerkschaft nicht persoenlich haftbar. Die Gewerkschaft gebrauchte zu ihrem Kapital, indem sie Umlagen auf die Mitglieder auflegte, die aber das Recht hatten, sich einer solchen Haftung zu entziehen durch Uebergabe ihrer Kuxe. Die Gewerkschaft wird geleitet von einem Vorstand und kann einen Aufsichtsrat haben.

III. FORMEN VON DEUTSCHEN UNTERNEHMEN, DIE NICHT JURISTISCHE PERSONEN SIND.

A. Offene Handelsgesellschaften (o.H.G.).

1. Diese Form des Geschäftsunternehmens entspricht im wesent-

lichen der amerikanischen general partnership. Im allgemeinen hat jeder Partner die Befugnis, fuer die Gesellschaft zu handeln und ist persoenlich haftbar fuer Schulden der Gesellschaft. Die offene Handelsgesellschaft wurde selten, wenn ueberhaupt, von der I.C. Form benutzt.

B. Kommanditgesellschaft (K.G.)

1. Diese Gesellschaft entspricht der amerikanischen limited partnership. Der persoenlich haftende Gesellschafter hat das ausschliessliche Recht und die Befugnis, die Gesellschaft zu vertreten und die Gesellschaft zu fuehren. Der general partner des amerikanischen Rechts

hat in deutschen Recht den Namen "Komplementär" oder "persönlich haftender Gesellschafter" (personally liable partner). Der beschränkt haftende Gesellschafter (limited partner) heisst "Kommanditist". Diese Form des geschäftlichen Unternehmens wurde gelegentlich von der I.G. Farben benutzt. Ihr gehörte oder sie war wesentlich beteiligt an einer Anzahl von K.G.'s, darunter Klüssener & Co. K.G., Bourjau & Co. K.G., Kupferhütte Rttel, Bieber & Co. K.G. und Friedrich Uhde K.G.

IV. ZUSAMMENSCHLUESSE VON DEUTSCHEN GESCHAFTSUNTERNEHMEN.

1. Zusammenschlüsse von geschäftlichen Unternehmen in Deutschland konnten viel öfter als in den Vereinigten Staaten vor. Zusammenschlüsse erfolgten zu gewissen Zeiten unter gesetzlichem Zwang. Nach deutschem Gesetz und Handelsbrauch gab es zahlreiche Formen der Vereinigung von geschäftlichen Unternehmen, unter ihnen die folgenden:

A. "Konzern" (Concern).

(1) In deutschem Gesellschaftsrecht wurde Konzern definiert als eine Gruppe von rechtlich selbstständigen Unternehmungen, welche arbeitssässig unter einheitlicher Leitung standen. I.G. Farben wurde manchmal als "Konzern" erwähnt, besonders aus dem Grunde, weil sie eine grosse Anzahl von rechtlich selbstständigen Unternehmungen und weil sie nach 1925 eine Anzahl von Unternehmungen, die vorher selbstständige rechtliche Einheiten waren, umfasste.

B. Interessen-Gemeinschaft.

(1) Dies bedeutet wörtlich eine Gemeinschaft von Interessen ("community of interests"). Eine Interessengemeinschaft basiert gewöhnlich auf Uebereinkommen ueber solche Fragen wie gemeinschaftliche Gewinnverteilung, Abstimmung von Produktion und Forschung, Aufteilung der Märkte, Preisgestaltung und Patentwesen.

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Zwischen den Jahren 1916 und 1925 wurden 8 groessere deutsche chemische Firmen in einer Interessengemeinschaft vereint, die haufig als die "alte I.G." (Interessengemeinschaft) erwaehnt wird. Diese ist wahrscheinlich das bedeutsamste Beispiel einer Interessengemeinschaft, - und als sich schliesslich sechs dieser Firmen zu einer A.G. vereinigten, erhielt diese neue Gesellschaft den Namen "I.G. Farbenindustrie A.G."

was wortlich bedeutet: Interessengemeinschaft der Farbenindustrie Aktiengesellschaft ("Community of Interests of the Dye Industry Inc."). Zwei weitere Firmen behielten rechtlich ihre selbststaendige Form, obgleich I.G. Farben sie kontrollierte und sie wesentlich im Eigentum unter Kontrolle der I.G. standen. (Kalle & Co. und Cassella & Co.. Cassella wurde schliesslich um das Jahr 1937 herum liquidiert).

C. "Kartell" (Cartel)

(1) Kartell ist die Vereinigung von unabhngigen Geschftsunternehmen zum Zwecke der Markteinflussung durch Beseitigung oder Regulierung des Wettbewerbs untereinander.

D. "Syndikat" (Syndicate)

(1) Syndikat ist eine Art des Kartells mit einer zentralen Verkaufs- und Kontrollorganisation; diese war zumeist eine Aktiengesellschaft oder G.m.b.H. I.G. Farben war Mitglied einer Reihe von Syndikaten von erheblicher Bedeutung. So war z.B. das Stickstoffsyndikat G.m.b.H., das Deutsche Stickstoffsyndikat (Nitrogen Syndicate), welches sowohl die Produktionsquoten als auch die Verkufe von Stickstoff in Deutschland bestimmte.

E. Besondere gesetzliche Kartelle.

(1) In einigen Fellen wurden Kartelle durch besondere gesetzliche Bestimmungen geschaffen, durch welche sie ntliche regulative Befugnisse erhielten, und die die Zwangsgliederschaft fuer alle Mitglieder einer Industriegruppe festlegten. Ein hervorragendes Beispiel kann in dem Zwangs-Kohlensyndikat (compulsory coal syndicate) gefunden werden, welches durch Gesetz vom 23. Maerz 1919 geschaffen wurde und das vorher bestehende freiwillige Syndikato ersetzte. I.G. Farben war der alleinige Eigentümer einer Anzahl von Kohlengesellschaften. (Z.B. der Gewerkschaft Augusto Viktoria, der Deutsche Grube

A.G., und der Gewerkschaft Clara-Verein). I.G. Farben hatte ausserdem ein Interessengemeinschaftsabkommen (community of interest agreement) mit der Ribeck'schen Montanwerke A.G. Auf Grund dieses Abkommens garantierte die I.G. Farben die Dividenden der Ribeck'schen Montanwerke A.G. und konnte ausserdem die Umwandlung aller Ribeck'schen Kuxe in I.G.-Kuxe veranlassen. Diese Bergbau - gesellschaften waren verpflichtet, dem Deutschen Kohlsyndikat anzugehören. Das Syndikat, das zuerst auf regionaler Basis organisiert war, hatte die Aufgabe, die gesamte Kohlenproduktion innerhalb des Bezirke aufzukaufen und eine Zentrale Vertriebsorganisation zur Verfügung zu stellen. Gleichzeitig übte das Syndikat eine starke Kontrolle

der Produktion aus. Der Einfluss des einzelnen Produzenten als Mitglied des Syndikats hing von seinem Anteil an der Gesamtproduktion ab. Der Wirtschaftsminister besass ein Einsprucherecht hinsichtlich der Tätigkeit und der Beschlüsse des Kohlsyndikats.

F. Das Schachtelprivileg in deutschem Steuerrecht
(Corporate Affiliations under German Tax Law).

(1) Dieses Privileg bezieht sich nicht auf eine einzelne Form des Zusammenschlusses von geschäftlichen Unternehmen, sondern bezieht sich auf einen Begriff des deutschen Einkommensteuergesetzes für Gesellschaften (Körperschaftsteuergesetz). Dividenden, die eine Gesellschaft von einer anderen Gesellschaft, an welcher sie mit mindestens 25% des Aktienkapitals beteiligt ist, erhält, sind steuerfrei. Dieser Grundsatz findet auch Anwendung auf die Vermögenssteuer in Hinsicht auf die Eigentumsinteressen in einem Tochterunternehmen.

II. UMRISSE DES AUFBAUS DER I. G. FARBEN

Jede kurze Beschreibung der Natur des Aufbaus einer so grossen und verwickelten Gesellschaft wie I.G. Farben muss vielen Ausnahmen unterworfen sein. Aber selbst wenn man derartige Ausnahmen und die vielen besonderen Anordnungen in Betracht zieht, kann man doch im grossen und ganzen das Schema des Aufbaus erkennen, das durch die Jahre hindurch bestehen bleibt und mit dem wir hier uns hauptsächlich befassen. Die ersten drei beigelegten Schaubilder des Aufbaus sollen dem hohen Gerichtshof behilflich sein zum Verständnis der Art, in der I.G. Farben aufgebaut und verwaltet wurde und der Positionen, die die einzelnen Angeklagten in dieser Organisation innehatten. Dieser Umriss will nicht versuchen, die Einzelheiten der Organisation von I.G. Farben aufzuzeichnen, wo sie in Verbindung mit anderen Unternehmen stand, die der I.G. Farben entweder gehörten oder von ihr verwaltet wurden, oder Unternehmen, die von I.G. Farben überwacht und beeinflusst wurden durch verschiedene besondere Abkommen.

Hintergründe der Fusion

I.G. Farben wurde errichtet im Dezember 1925 als Aktiengesellschaft. Die folgenden sechs führenden deutschen chemischen Firmen wurden auf gesetzlicher Grundlage in einer neuen Gesellschaft zusammengefasst:

- Badische Anilin- & Soda-Fabrik, Ludwigshafen (Badische)
- Farbenfabriken vorm. Friedr. Bayer & Co., Leverkusen (Bayer)
- Farbwerke vorm. Meister Lucius & Brüning, Höchst (Meister Lucius)
- Aktiengesellschaft fuer Anilinfabrikation, Berlin (Agfa)

(Continued)

Chemische Fabriken vorm. Weller-ter Meer, Uerdingen,

Chemische Fabrik Griesheim-Elektron, Frankfurt.

Zwei weitere Firmen, Leopold Cassella & Co. G.m.b.H., Frankfurt, und Kalle & Co. A.G., Elberich, nahmen nicht an der Fusion selbst teil. Eine ueberwiegende Mehrheit des Aktienkapitals beider Gesellschaften befand sich jedoch im Besitze von I.G. Farben seit der Gruendung dieser Firma.

Die Geschichte der Zusammenarbeit von einigen der obengenannten Firmen geht zurueck in das 19. Jahrhundert. Die Anfange einer Interessengemeinschaft gehen zum mindesten zurueck bis zum Jahre 1904, als Meister Lucius und Cassella einen Zweibund und die Badische, Bayer und Agfa einen Dreibund gruendeten. Alle acht Firmen nahmen auch an Interessengemeinschafts-Vertrag vom August 1916 teil. Diese Interessengemeinschaft war sehr umfassend und hatte unter anderem einen Gemeinschaftsrat, der berechtigt war, weitgehende Aufsicht ueber Erzeugung, Verkauf, Forschung usw. auszuueben. Der Interessengemeinschaftsvertrag sah weiterhin die gemeinsame Gewinnverteilung zwischen den acht I.G.-Firmen nach einem festen Schlusssel vor.

Farben war eine "A.G."

Den gesetzlichen Vorschriften zufolge musste I.G. Farben als eine A.G. zwei geschaeftsfuehrende Gremien haben, einen Aufsichtsrat und einen Vorstand. Da alle oder die Mehrzahl der fuehrenden Maenner der Vorgaengerfirmen zu Aufsichtsrats- oder Vorstandsmitgliedern der I.G. Farben bei der Fusion ernannt wurden, wurde allgemein empfunden, dass diese beiden geschaeftsfuehrenden Gremien zu gross fuer wirkliche Aufsicht und Geschaeftsfuehrung der neuen Gesellschaft waren. Daher wurden kleinere Gruppen von Mitgliedern des Aufsichtsrats und des Vorstands gebildet, die die tatsaechlichen Aufgaben dieser beiden Organe erfuehlen sollten.

Aufsichtsrat, Verwaltungsrat des Aufsichtsrats
und Aufsichtsratsausschuss

Der Aufsichtsrat, welcher im Jahre 1926 aus mehr als 50 Mitgliedern bestand (siehe die beigelegte Mitgliederliste S. 30), setzte einen aus 11 Mitgliedern bestehenden Verwaltungsrat ein fuer die Beaufsichtigung der Geschäftsführung der Gesellschaft durch den Vorstand (Geschäftsordnung fuer den Verwaltungsrat, 9. Januar 1926. Siehe beigelegte Mitgliederliste S. 34). Mehrere Mitglieder des Verwaltungsrates wurden ausserwählt, den Vorstandssitzungen und den Sitzungen der führenden Vorstandskommissionen beizuwohnen und dort gegebenenfalls Rat zu erteilen. In den ersten Jahren waren die Verwaltungsratsmitglieder ziemlich aktiv, aber spaeter wurde der Verwaltungsrat weniger aktiv infolge Abgang seiner Mitglieder durch Tod oder wegen vorgeschrittenen Alters. Der Verwaltungsrat wurde in Zusammenhang mit der Neuordnung des Aktiengesetzes von 1937 aufgelöst. Aber auch nach dieser Umgestaltung hatte der Aufsichtsrat noch einen kleineren Ausschuss, genannt Aufsichtsrats-Ausschuss (siehe beigelegte Mitgliederliste S. 35). Dieser Ausschuss hatte besonders die Aufgabe, Personalangelegenheiten zu bearbeiten, einschliesslich der Festsetzung der Bezüge der Vorstandsmitglieder. Der Aufsichtsrat kam drei- bis viermal im Jahr zusammen, um die Geschäftsführung des Vorstands formell zu genehmigen. Es ist nicht bekannt, dass der Aufsichtsrat der I.G. Farben zu irgendeinem Zeitpunkt die Geschäftsführung des Vorstandes nicht genehmigte oder dass der Aufsichtsrat dem Vorstand bestimmte Weisungen fuer die Geschäftsführung vorschrieb. Der einzige Angeklagte, der Mitglied des Aufsichtsrats der I.G. war, ist der Angeklagte KRAUCH, der Vorsitzender des Aufsichtsrats in den Jahren 1940 - 1945 war. Vor dieser Zeit war er ein führendes Mitglied des Vorstandes.

Arbeitsausschuss des Vorstandes

Im Jahre 1926 bestand der Vorstand aus mehr als achtzig Mitgliedern (siehe beigefugte Mitgliederliste, S. 36). Von der Gesamtzahl wurden 26 Personen ausgewählt, um den Arbeitsausschuss zu bilden, der die eigentliche Geschäftsführung der Gesellschaft übernehmen sollte. (Geschäftsordnung fuer die Mitglieder des Vorstands von 1926. Siehe beigefugte Mitgliederliste des Arbeitsausschusses S. 40). Neuernennungen zu dieser engeren Gruppe fanden gewöhnlich nur statt, um Abgänge durch Tod und vorgeschrittenes Alter usw. zu ersetzen. In den Jahren 1926 bis 1933 fungierte dieser engere Ausschuss anstelle des Gesamtvorstandes als die verantwortliche Geschäftsführung der I.G. Farben. Die Neuordnung des Aktiengesetzes von 1937 stand aber einer solchen Übertragung von Autorität und Aufgaben durch den Vorstand entgegen. Daher wurde der Arbeitsausschuss aufgelöst, nachdem er seine letzte Sitzung am 7. April 1938 abgehalten hatte.

Der Vorstand seit dem Jahre 1938

Zur gleichen Zeit als der Arbeitsausschuss des Vorstandes aufgelöst wurde, wurde auch das Amt der stellvertretenden Vorstandsmitglieder abgeschafft. Die Mitgliederzahl des Vorstandes wurde verringert und beschränkt auf diejenigen Personen, die tatsächlich an der Geschäftsführung und Leitung der Gesellschaft teilnahmen. Es ist gesagt worden, dass aus dem alten Arbeitsausschuss mehr oder weniger der neue Vorstand entstand, da beide weitgehend dieselben Aufgaben und Mitglieder-schaft aufzeigten. Der neue Vorstand bestand aus rund 27 Mitgliedern, von denen ueber 20 reguläre Mitglieder des alten Ausschusses waren und von denen einige weitere Teilnehmer an Arbeitsausschuss-Sitzungen waren, trotzdem sie aus verschiedenen Gründen nicht formell zum Mitglied des Ausschusses ernannt worden waren. Fuenfzehn oder sechzehn Angeklagte, die in der An-

Klageschrift erwacht sind, waren Mitglieder des alten Arbeitsausschusses. 20 Angeklagte, die in der Anklageschrift erwacht sind, wurden zu Vorstandsmitgliedern ernannt, nachdem der Arbeitsausschuss im Frühjahr 1938 aufgelöst wurde.

(Siehe Mitgliederliste S. 36). Der Angeklagte SCHMITZ war Vorsitzender des Vorstandes von Jahre 1935 bis zum Zusammenbruch von Deutschland 1945.

Verantwortlichkeit des Vorstandes.

Nach den Vorschriften der deutschen Gesetzgebung musste die Satzung von 1938 vorschreiben: "Der Vorstand hat unter eigener Verantwortung die Gesellschaft * * * zu leiten". Die neue Geschäftsordnung fuer den Vorstand vom Jahr 1938 sah vor, dass der Vorstand ungefahr jeden Monat eine Sitzung abhalten sollte. An diesen Sitzungen war es die Pflicht jedes Vorstandsmitgliedes, "solche Angelegenheiten vorzubringen, deren Kenntnis fuer die uebrigen Vorstandsmitglieder von Wichtigkeit ist". Es war ausdrucklich vorgeschrieben, dass in der Regel ein Vorstandsmitglied "dem Gesamtvorstand zur Entscheidung vorlegen sollte" alle "besonders wichtigen Angelegenheiten, die den Rahmen des laufenden Geschaefts ueberschreiten". Unter den Angelegenheiten, die in der Regel dem Gesamtvorstand zur Entscheidung vorgebracht werden sollten, waren: Erwerb und Veracussung von Grund und Boden und Gebäuden, Neubauprojekte, Beteiligung an anderen Unternehmen und Aufgabe solcher Beteiligungen, Erwerb und Veracussung von Patenten, Lizenzen und Fabrikationsgeheimnissen, Abschlüsse, Verlaengerung und Aufhebung von Kartellen und aehnlichen Abkommen, und sonstige Angelegenheiten, die Geldmittel erfordern. Aber "ausnahmeweise" war es einem Vorstandsmitglied erlaubt, selbstaendig zu handeln, ohne Zustimmung des Vorstands, "wenn sonst schwere Nachteile drohen". Jedoch unter folgender Voraussetzung: "in der naechsten Sitzung des Gesamtvorstandes ist ueber ein derartiges selbstaendiges Handeln zu berichten".

Besondere Gebiete, fuer die Vorstandsmitglieder

verantwortlich waren

Neben der allgemeinen Verantwortlichkeit jedes Vorstands/

mitgliedes fuer die Geschaeftsfuehrung der Gesellschaft, waren gewoehnlich bestimmte Arbeitsgebiete jedem Vorstandsmitglied zugeteilt, auf denen es dem Gesamtvorstand gegueber besonders verantwortlich war. In der I.G. Farben unterschieden solche Aufgaben generell zwischen technischen und kaufmaennischen Gebieten, und Vorstandsmitglieder wurden gewoehnlich entweder als technische oder kaufmaennische Leiter bezeichnet. Die ersten zwei beigefuegten Schaubilder des Aufbaus, SS. 25 und 27, zeigen diese Teilung der Arbeitsgebiete.

Zentralausschuss des Vorstandes

Im Jahre 1930 wurde ein Zentralausschuss des Vorstandes gebildet, der aus sechs fuehrenden und erfahrenen Mitgliedern des Arbeitsausschusses bestand. In den ersten Jahren fungierte diese Gruppe mehr oder weniger als Exekutiv-Ausschuss des Arbeitsausschusses und bearbeitete einige vertrauliche Angelegenheiten, die nicht immer zur Kenntnis des Gesamtvorstandes gebracht wurden. Der Vorsitzende des Vorstandes war Vorsitzender des Zentralausschusses und der Vorsitzende des Aufsichtsrates wurde regelmassig als Gast zu den Sitzungen eingeladen. Nachdem der Angeklagte SCHMITZ Dr. Carl Bosch als Vorsitzender des Vorstandes im Jahre 1935 folgte, verlor der Zentralausschuss viel von seiner Stellung als Exekutiv-Ausschuss. Nach diesem Zeitpunkt bearbeitete der Zentralausschuss hauptsaechlich Personalangelegenheiten, besonders die Ernennung von Angestellten zu Prokuristen und hoeheren Aemtern. Der Zentralausschuss bestand noch nach der Aufloesung des Arbeitsausschusses im Fruehjahr 1938 bis zum Zusammenbruch Deutschlands im Jahre 1945. Die Angeklagten SCHMITZ und von SCHNITZER waren Mitglieder dieses Ausschusses vom Jahre 1930 bis zum Zusammenbruch Deutschlands. Sechs andere Angeklagte waren Mitglieder fuer verschiedene Zeitspannen (Siehe beigefuegte Mitgliederliste fuer diesen Ausschuss S. 42).

Technischer Ausschuss (TEA)

Auf der technischen Seite war der Technische Ausschuss oder TEA der wichtigste Vorstandsausschuss. Er setzte sich zusammen aus allen technischen Mitgliedern des Vorstandes und aus wichtigen, führenden Technikern, die nicht im Vorstand waren, einschliesslich Leitern einiger grosserer Fabriken und mehreren leitenden Ingenieuren. Dieser Ausschuss wurde 1926 unmittelbar nach dem Zusammenschluss gebildet, um alle technischen Fragen hinsichtlich Produktion und Forschung sowie hinsichtlich der Steigerung des Geschaeftes von Farben zu bearbeiten und dem Vorstand geeignete Vorschlaege zur endgueltigen Billigung zu unterbreiten. Kreditanforderungen wurden vom TEA zusammengestellt und entschieden. Der Technische Ausschuss blieb bis 1945 in Taetigkeit. Von 1933 bis 1945 war der Angeklagte ter MEER sein Vorsitzender. Viele Unterausschuesse, deren Anzahl schliesslich auf mehr als dreissig anstieg, entstanden, um die vielen besonderen Probleme zu bearbeiten, die im Hauptausschuss nicht ausfuehrlich behandelt werden konnten. Der Technische Ausschuss hatte ein Verwaltungsbuero, das das Buero des Technischen Ausschusses oder das TEA-Buero genannt wurde und dessen Leiter Dr. Ernst STEUSS war. Zwelf der Angeklagten waren ordentliche Mitglieder des Technischen Ausschusses fuer laengere Zeitabschnitte. Drei andere Angeklagte waren haeufige Besucher oder Gaeste (siehe Liste der Mitglieder am Schlusse, S. 43).

Technische Kommission (TEKO)

Ein anderer Ausschuss auf dem technischen Gebiet verdient besondere Erwaechnung, die Technische Kommission oder "TEKO", der der Angeklagte JAEGER von 1932 bis 1945 vorstand. Die TEKO behandelte allgemeine technische Aufgaben. Alle Befuerwortungen von Krediten fuer maschinelle Ausruestung wie Maschinen und Kraftwerke, wurden von der TEKO vorentschieden, bevor sie zum Technischen Ausschuss kamen.

Die drei Sparten oder Hauptgruppen

In Jahre 1929 wurden drei Hauptgruppen, von denen jede von einem fuhrenden Vorstandsmitglied geleitet wurde, geschaffen, um Produktion und Forschung erfolgreicher zu gestalten und mehr Zusammenarbeit zwischen den einzelnen Fabriken zu erreichen. Jede leitende Gruppe wurde als Sparte bekannt und ihre Zuständigkeit war mehr nach Produkten bestimmt als nach Fabriken oder geographischer Lage von Fabriken. Daher fielen auch eine Anzahl von Werken, die mehrere Produkte herstellten, unter die technische Oberaufsicht und unter die Leitung von mehr als einer Sparte. Sparte I umfasste Stickstoff, synthetische Treibstoffe und Schnier-oel, und Kohle. Sparte II umfasste Farbstoffe und Farbstoff-Zwischenprodukte, verschiedene Chemikalien, sowohl organische als auch anorganische, Heilmittel, Bana, Leichtmetalle, und chemische Kampfstoffe. Sparte III, die kleinste der drei, umfasste photographisches Material, Kunstfasern, Celluloseprodukte und einige andere Artikel, die von Kalle & Co. hergestellt wurden, wie z.B. Cellophan und Ozalid. Der Angeklagte KRAUCH war Leiter der Sparte I von 1929 bis 1938. Hieranah war der Angeklagte SCHNEIDER Leiter und der Angeklagte BUEPFISCH stellvertretender Leiter der Sparte I. Von 1929 bis 1945 waren die Leiter von Sparte II bzw. III die Angeklagten ter MEER beziehungsweise GAJEWSKI. Jede Sparte hatte ein ständiges Verwaltungsbuero (siehe Liste der Spartenleiter am Schluss, S. 48). Sparte II jedoch benutzte das Buero des Technischen Ausschusses als sein Verwaltungsbuero, da der Angeklagte ter MEER sowohl Leiter von Sparte II als auch Vorsitzender des Technischen Ausschusses war.

Die Betriebsgemeinschaften

Seit der Fusion im Jahre 1925 verliess sich I.G. Farben in Bezug auf allgemeine Zusammenarbeit hauptsächlich auf Fabrikgemeinschaften, die mehr oder weniger geographisch gruppiert

waren. Die vier ursprünglichen Betriebsgemeinschaften wurden genannt: Oberrhein, Maingau (Mittelrhein vor 1927 oder 1928), Niederrhein, und Mittelddeutschland. Die fünfte Betriebsgemeinschaft, errichtet 1929, wurde Betriebsgemeinschaft Berlin genannt, obgleich die zugehörigen Fabriken weit verstreut lagen. Durch die Betriebsgemeinschaften wurden auch gewisse Ersparnisse erzielt in Bezug auf Verwaltung, Transport, Lagerung, Forschung usw. Nach der Schaffung der Sparten im Jahre 1929 begann die Zusammenfassung der Werke durch die Betriebsgemeinschaften weniger straff zu werden. Die Angeklagten, die Leiter oder stellvertretende Leiter der Betriebsgemeinschaften waren, waren: der Angeklagte WURSTER, Oberrhein, 1940 - 1945; der Angeklagte LAUTENSCHLAGER, Maingau, 1938 - 1945; der Angeklagte KUEHNE, Niederrhein, 1933 - 1945; der Angeklagte JAEHNE, stellvertretender Leiter der Betriebsgemeinschaft Maingau, 1938 - 1945. (Siehe Liste der Vorsetzer der Betriebsgemeinschaften, S. 49).

Die Werke

Die grösseren Werke waren gewöhnlich unter der Leitung eines Vorstandsmitglieds, das sein Hauptbüro am Sitz des Werkes hatte. In einigen Fällen indessen war mehr als ein Vorstandsmitglied mit der Leitung verschiedener technischer Abteilungen in einem Werk betraut und in manchen Fällen hatte ein Vorstandsmitglied die direkte Oberaufsicht ueber mehr als ein Werk. Einige der Fabriken unter der Leitung von Vorstandsmitgliedern folgten: Werk Hoechst (verschiedene chemische Produkte), der Angeklagte LAUTENSCHLAGER; Werk Schkopau (Zinn), der Angeklagte AMBROS; Werk Bitterfeld (Magnesium, Aluminium und andere Produkte), der Angeklagte BUECKING; Werk Wolfen-Pilz, der Angeklagte GAJEWSKI; Werk Oppau (Stickstoff und andere Produkte), der Angeklagte WURSTER; Werk Leverkusen (pharmazeutische und andere Produkte), der Angeklagte KUEHNE; Werk Elberfeld (pharmazeutische Artikel), der Angeklagte HOERWEIN. Bei dem Werk Auschwitz war der Angeklagte DUERRFELD der

oertliche Leiter. Bei der Fabrik Auschwitz indessen hatte der Angeklagte AMEROS die Oberaufsicht ueber die Buna-Herstellung, und der Angeklagte BUEHTEFISCH hatte die Oberaufsicht ueber die Herstellung von synthetischen Treibstoffen. Im Werk Ludwigshafen leitete der Angeklagte AMEROS die Fabrikation von organischen Produkten, waehrend der Angeklagte WURSTER die Leitung der anorganischen Produkte hatte. Der Angeklagte BUEHTEFISCH hatte die Oberaufsicht ueber die Leuna-Werke, obgleich diese Werke einen oertlichen Leiter hatten. Wo der oertliche Leiter einer Fabrik nicht Vorstandsmitglied war, erhielt er seine Direktiven und die angemessene Information vom Leiter der Sparte, dem Leiter der entsprechenden Betriebsgemeinschaft, oder es wurde eine andere Art der Zusammenarbeit, und Oberaufsicht durch den Vorstand, gefunden (siehe Liste der Hauptverhaleiter S. 26).

Vermittlungsstelle W (Vermittlungsstelle Wehrmacht)

Im Jahre 1935 bildete die I.G. Farben ein Zentralbuero in Berlin fuer Verbindung mit der Wehrmacht, genannt Vermittlungsstelle W (Liaison Office Armed Forces), um die Zusammenarbeit in Angelegenheiten militaerisch-wirtschaftlicher Art zwischen der I.G. Farben und der Wehrmacht (German Armed Forces) zu erleichtern. In Laufe der Zeit kam es in den Geschaeftsbereich dieser Stelle, sich mit solchen Angelegenheiten zu befassen, wie Mobilisationsfragen, Mobilisierungsplaene, militaerische Sicherheitsmassnahmen (military security), Spionageabwehr, geheime Patente, Forschung fuer die Wehrmacht, etc. Obgleich die Taetigkeit der Vermittlungsstelle in erster Linie verwaltungstechnisch war, hatte sie sich doch hauptsaechlich mit technischen Angelegenheiten zu befassen. Jede der Sparten bestellte einen Hauptvertreter und Mitarbeiter zur Bildung eines Personalstabes fuer dieses Buero. Der Angeklagte VON DER HEYDE hatte mit (Spionage-)Abwehrttaetigkeit fuer dieses Buero zu tun.

Verkaufsgemeinschaften

Auf der kaufmännischen Seite wurden die Verkäufe der I.G. Farben-Produkte durch Verkaufsgemeinschaften durchgeführt oder durch besondere Verkaufsvereinbarungen.

Es bestanden vier hauptzweckliche Verkaufsgemeinschaften, jede hatte ein Mitglied des Vorstandes als Leiter. Der Leiter der Verkaufsgemeinschaft Farben war der Angeklagte von SCHNITZLER. Nach 1943 war der Angeklagte von SCHNITZLER auch der Leiter der Verkaufsgemeinschaft Chemikalien und der Angeklagte HANFLIGER war einer der drei stellvertretenden Leiter. Der Angeklagte MANN war der Leiter der Verkaufsgemeinschaft Pharmazeutika. Die Verkaufsgemeinschaft Agfa (photographische Artikel und Kunstfasern) stand unter der Leitung des verstorbenen Vorstandsmitgliedes OTTO. (Fuer die Aufzuehlung von Leitern siehe die nachfolgende Liste, S. 51).

Andere Verkaufsvereinbarungen

Stickstoff wurde durch das Deutsche Stickstoffsyndikat, die Stickstoff Syndikat G.m.b.H., verkauft; deren Geschaeftsfuehrer der Angeklagte OSTER war. Der Leiter der Verkaufsorganisation fuer kuenstliche Betriebsstoffe und Oele in Berlin war nicht Mitglied des Vorstandes.

"Gemischte" Ausschuesse

Die Zusammenarbeit zwischen technischen und kaufmaennischen Leitern der I.G. Farben wurde in erster Hinsicht durch den Vorstand herbeigefuehrt, in welchen die prominenten technischen und kaufmaennischen Leiter zusammenkamen, um ueber Fragen der Generalpolitik zu entscheiden und um die Berichte der einzelnen Vorstandsmitglieder zu hoeren und zu diskutieren ueber solche Gebiete, fuer die sie speziell verantwortlich waren. Eine ansehnliche Anzahl von Fragen, welche die Zusammenarbeit zwischen sowohl den kaufmaennischen Leitern der Verkaufsgemeinschaften und den technischen Leitern der Sparten, als auch den Hauptwerken erforderten, wurde durch die sogenannten "Gemischten Ausschuesse" erledigt. Die drei hauptzwecklichsten "Gemischten Ausschuesse" waren: der Chemische Ausschuss (Leiter nach 1943 der Angeklagte VON SCHNITZLER), der Farbensausschuss (Leiter der Angeklagte VON SCHNITZLER) und die Pharmazeutische Hauptkonferenz,

(Leiter der Angeklagte HOERLEIN). Jeden dieser Ausschüsse gehörten massgebliche technische und kaufmännische Leiter an, einschliesslich anderer Angeklagter. (Vergleiche die Namens-

verzeichnisse fuer jeden dieser Ausschuesse Seite 53 bis 56). Die Leiter dieser Ausschuesse berichteten unmittelbar dem Vorstand. Die technischen Mitglieder dieser Ausschuesse kamen von Sparte II, die die Oberaufsicht ueber fast alle Produkte, mit denen diese Ausschuesse sich zu beschaeftigen hatten, hatte.

Kaufmaennischer Ausschuss

Kurze Zeit nach der Fusion hatte I.G. Farben einen Kaufmaennischen Ausschuss gebildet, welcher den Vorstand unterstuetzen sollte in Hinsicht auf die Leitung und Zusammenarbeit in kaufmaennischen Angelegenheiten. Im Jahre 1933 wurde dieser alte Kaufmaennische Ausschuss inaktiviert. Es scheint jedoch, dass die fortschreitenden Ereignisse in Hitler's Drittem Reich Fragen der Coordination nach sich zogen, die zu der Wiederherstellung des Kaufmaennischen Ausschusses im August 1937 fuehrten. Von diesem Zeitpunkt bis 1945 war der Kaufmaennische Ausschuss ein sehr aktiver und bedeutsamer Ausschuss des Vorstandes. Waehrend der ganzen Zeit war der Angeklagte VON SCHNITLER der Vorsitzende dieses Ausschusses. Andere Mitglieder waren u.a. HAEFLIGER, ILCHER, MANN, OSTER und KUGLER (Vergleiche die nachfolgende Liste Seite 46). Der Kaufmaennische Ausschuss kam gewoehnlich am Tage vor der Vorstandssitzung zusammen und seine Zustaendigkeit erstreckte sich auf kaufmaennische Fragen, die von allgemeinem Interesse waren fuer mehr als eine kaufmaennische Abteilung der I.G. Farben-Organisation.

Zentrale Verwaltungs-Abteilungen

Um den Vorstand in der Geschaeftsfuehrung des ganzen Konzerns zu unterstuetzen, entstanden eine Anzahl von zentralen Verwaltungsabteilungen innerhalb I.G. Farben. Obwohl bei einer Anzahl der wichtigsten Aufgaben dieser Abteilungen es sich um technische Angelegenheiten handelte, so wurden doch die Hauptverwaltungsbeamten gewoehnlich als Kaufmaennische Leiter bezeichnet.

Berlin NW 7

Es ergab sich, dass eine betraechtliche Anzahl von Zentralverwaltungsbueros in den Teil von Berlin ihren Sitz hatte, der die Bezeichnung NW 7 (Abkuerzung fuer

Nord-West 7) fuhrte, und daher als I.G. Berlin NW 7 oder auch nur "NW 7" bezeichnet wurde. NW 7 wurde im Jahre 1927 gegründet, zu der Zeit, als der Angeklagte ILGNER zum Leiter der Zentralfinanzverwaltung, gewöhnlich als "Zafi" bezeichnet, eingesetzt wurde. Der Angeklagte SCHMITZ unterhielt sein Büro weiter in NW 7, auch nachdem er Vorsitzender des Vorstandes im Jahre 1935 geworden war. Im Jahre 1929 wurde der NW 7-Organisation eine Volkswirtschaftliche Forschungsabteilung, gewöhnlich VOWI genannt, angegliedert. Eine wirtschaftlich-politische Abteilung, gewöhnlich WIFO genannt, wurde im Jahre 1933 hinzugefügt. Unter anderen war ihre Aufgabe, die enge Zusammenarbeit zwischen den kaufmännischen Abteilungen von I.G. Farben und den zahlreichen Reichsdienststellen sicherzustellen. Das Büro des Kaufmännischen Ausschusses (B.d.K.A.) war auch an selben Ort untergebracht. Der oberste Leiter von NW 7 war der Angeklagte ILGNER.

Rechts- und Patentabteilungen

Fast alle Unternehmungen und alle Verkaufsgemeinschaften von I.G. Farben hatten Rechtsabteilungen und alle grösseren Werke Patent-Abteilungen. Die Arbeit der verschiedenen Rechts- und Patentabteilungen wurde durch zwei Vorstandsausschüsse allgemeinen Richtlinien entsprechend gemeinsam erledigt, nämlich den Rechtsausschuss (Legal Committee) und der Patentkommission (Patent Commission). Der Angeklagte VON KNIERIM war der Vorsitzende beider Ausschüsse. Der Angeklagte VON KNIERIM war der Leiter der Rechts- und Patent-Abteilungen des Werkes Ludwigshafen und diese Abteilungen handelten unter seiner Leitung als Zentral-Clearing-Stelle fuer wichtigere Rechts- und Patentfragen von allgemeinen Interesse.

Büro Bertram

I.G. Farben hatte ein Zentralbüro fuer Sozialfragen und fuer die laufende Fuehrung von Arbeitsstatistiken unter der

direkten Leitung von Dr. Bertrams. Diese Dienststelle bekam den Namen "Büro Bertrams". Nachdem der Angeklagte SCHNEIDER im Jahre 1937 Hauptbetriebsführer (Chief of plant leaders) geworden war, kam das Büro Bertrams unter seine unmittelbare Aufsicht.

Während des Krieges erlangte das Büro Bartrams in Zusammenhang mit der Beschaffung, Verwendung und Unterbringung der Fremdarbeiter erhöhte Bedeutung.

Andere zentrale Verwaltungsabteilungen

Gleich nach dem Zusammenschluss stellte sich die Notwendigkeit anderer zentraler Verwaltungsabteilungen heraus. In den Jahren 1927 - 1930 wurden u.a. die nachfolgenden Zentralabteilungen an den Sitz der Gesellschaft in Frankfurt eingerichtet: die Zentralbuchführungsabteilung (central bookkeeping department), die Zentralversicherungsabteilung (central insurance department) und die Zentralsteuerabteilung (central tax department).

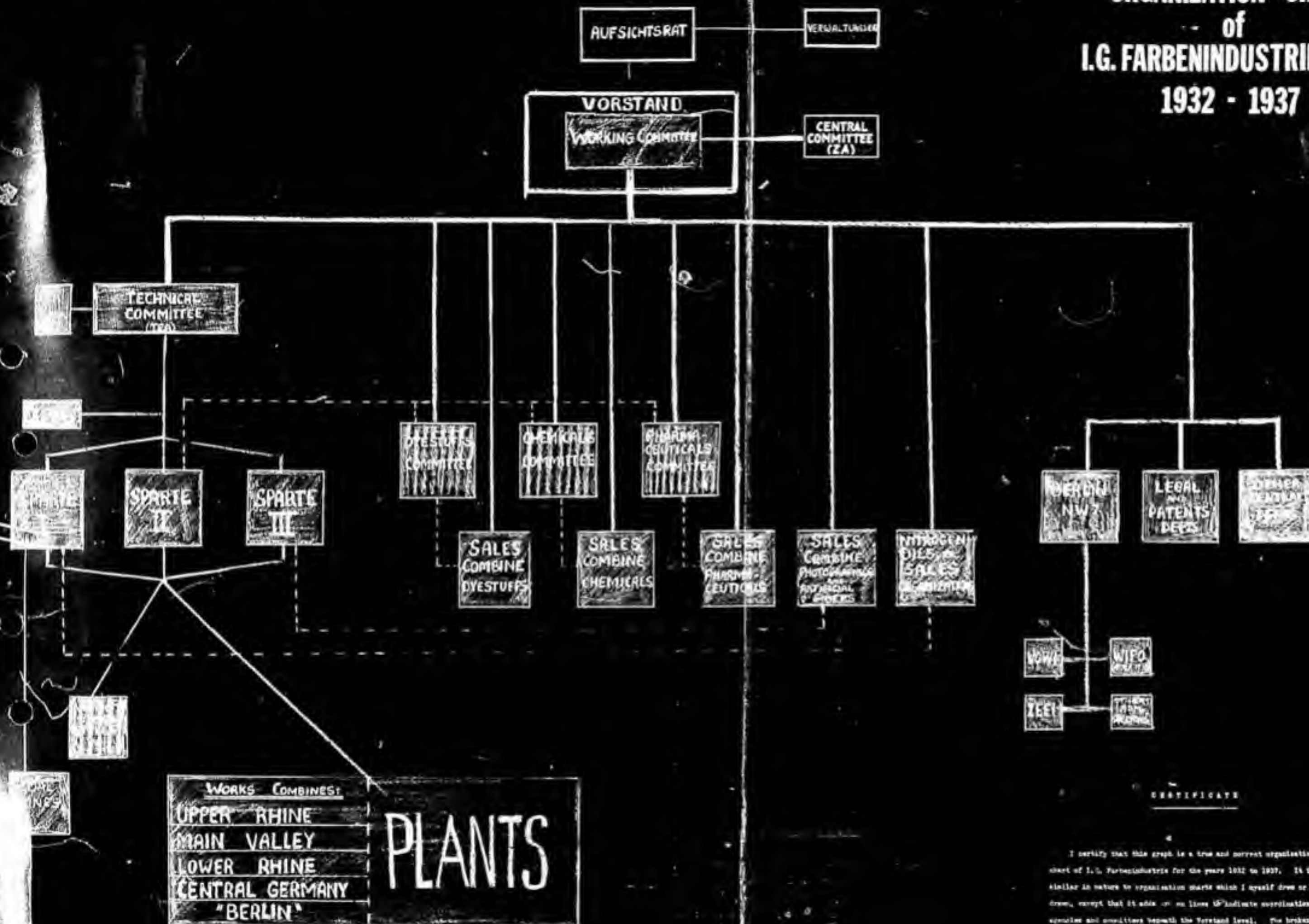
NOTE ON CHARTS

The following four charts have been authenticated by former high ranking officials of I.G. Farben. It should be understood that both the prosecution and the defense may desire to establish variations from these charts or to give a different emphasis than the charts may indicate without further explanation. However, it is generally believed that these charts present an accurate picture of the organization of I.G. Farben and of the principal plants owned and operated by I.G. Farben and by Dynamit Aktiengesellschaft (DAG).

REMERKUNG ZU DEN SCHAUBILDERN

Die nachfolgenden vier Schaubilder sind von ehemaligen leitenden Angestellten der I.G. Farben bestaetigt worden. Es muss festgestellt werden, dass sowohl die Anklagebehörde wie die Verteidigung es als wuenschenenswert erachten moegen, A bweichungen von diesen Darstellungen festzustellen oder besonderes Gewicht auf andere Darstellungswesen zu legen, als die Schaubilder sie ohne weitere Erklarung aufweisen. Im gressen und ganzen werden diese Schaubilder als ein genaues Bild der Organisation von I.G. Farben und den wichtigsten Werken, die der I.G. Farben und der Dynamit A.G. Nobel gehoerten oder von ihr betrieben wurden, bezeichnet.

ORGANIZATION CHART of I.G. FARBENINDUSTRIE A.G. 1932 - 1937

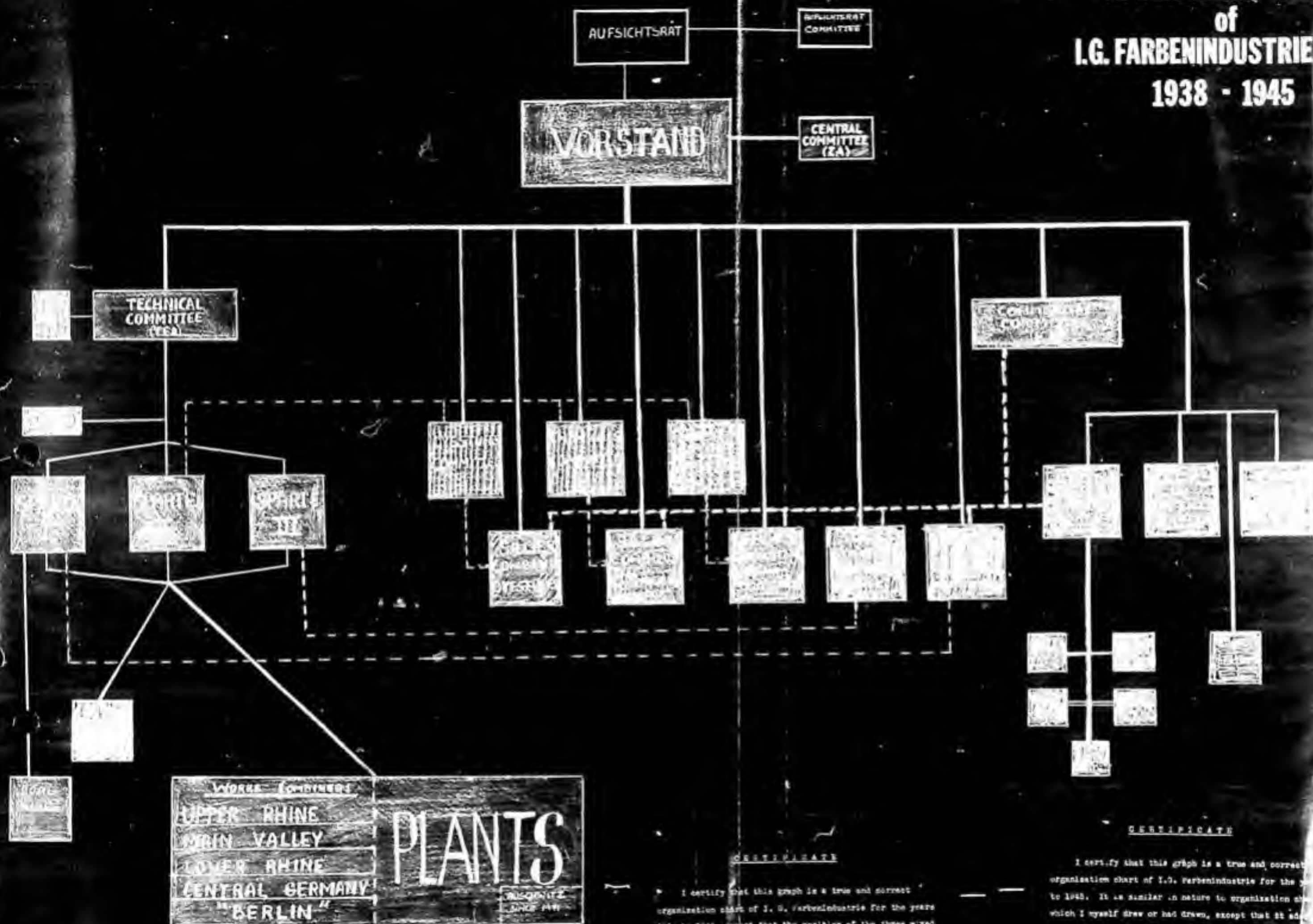


CERTIFICATE

I certify that this graph is a true and correct organization chart of I.G. Farbenindustrie for the years 1932 to 1937. It is similar in nature to organization charts which I myself drew or had drawn, except that it adds on no lines to indicate coordination between agencies and committees beneath the Vorstand level. The broken lines in the chart properly indicate coordination between the various agencies and committees.

W. H. H. H.
1937, November 10

ORGANIZATION CHART of I.G. FARBENINDUSTRIE A.G. 1938 - 1945



CERTIFICATE

I certify that this graph is a true and correct organization chart of I. G. Farbenindustrie for the years 1938 to 1945, except that the position of the three mixed committees (Dyes, Chemicals, and Pharmaceuticals) above the respective Sales Divisions should not necessarily be construed as indicating a superior or inferior position.

Munich, 24 July 1947.

W. G. M. M.
W. G. M. M.

CERTIFICATE

I certify that this graph is a true and correct organization chart of I. G. Farbenindustrie for the years 1938 to 1945. It is similar in nature to organization charts which I myself drew or had drawn, except that it adds lines to indicate coordination between agencies and offices beneath the Vorstand level. The broken lines on the chart properly indicate coordination between the various divisions and committees.

Munich, 24 July 1947.

B. G. M. M.
B. G. M. M.

OPERATED PLANTS

I. Mr. Meer Dr. Fritz

May 1941/1942 A.G.

MAIN VALLEY

Ludwigshafen AG & Co. Ludwig
May 1941/1942

LOWER RHINE

Kühne Dr. Hans
May 1941/1942

CENTRAL GERMANY

Bürger Dr. Fritz
May 1941/1942

HOCHST	
Ludwigshafen AG & Co. Ludwig	
Johann Phosphor	
Dept. Schmelzwerke (18.000 Tonschmelze)	
Spinnerei (10.000 Tonschmelze)	
Ludwigshafen AG & Co. Ludwig	
Fischwerke	
Organics 43	Org. Interim 21
Phos. 28	Phos. 13
Phos. 24	
1, 2, 3, 5, 7, 9, 10	

LEVERKUSEN	
Chief: Kühne Dr. Hans (18.000 Tonschmelze)	
Hilfschef: Hübner Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Brüggemann Dr. Fritz	
Werk Dept: Popp Dr. Hermann	
Organics 47	Bauer 30
Org. Interim 41	Phos. 4
Prod: 1, 2, 3, 4, 5, 7, 9, 10	

BITTERFELD	
Chief: Fichter Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Bürger Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Fritze Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Magnesium and Aluminum 128	
Inorganics 48	
Phos. 21	
Prod: 1, 2, 6, 14	

WOLFENFELD	
Chief: Geyersbach Dr. Fritz	
Hilfschef: Mäurer Dr. Fritz	
Pers. Dept: Schuler Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Magnesium 28	
Phos. 22	
Cellulose and Spun Rayon 24	
Prod: 12, 13	

GRIESHEIM (OLD WORKS)	
Chief: Jacoby Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Engelbert Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Lorenz Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics 8	
Prod: 1, 2, 4	

ORDINGEN	
Chief: Hübner Dr. Fritz (18.000 Tonschmelze)	
Pers. Dept: Foubert Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics 22	
Org. Interim 18	
Prod: 1, 2, 5, 6, 7	

WOLFEN/FARBEN	
Chief: Schöner Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Pöschmann Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics 30	
Org. Interim 40	
Prod: 1, 2, 3, 6, 7, 8, 10	

MONCHEN	
Chief: Lingg Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics 10	
Prod: 12	

PREMNITZ	
Chief: Zetzsch Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Synthetic Fibres 39	
Prod: 13	

GRIESHEIM (AUSDOEN)	
Chief: (Johann Phosphor) Hübner Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Lorenz Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Lorenz Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 15	
Prod: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10	

WUPPERTAL/ELBERFELD	
Chief: Hübner Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Luther Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Hoffmann Dr. Fritz (10.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 2, 9, 10	

AKEN * 1934	
Chief: Bauer Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Pöschmann Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Magnesium, Aluminum 40	
Prod: 14	

BOBINGEN	
Chief: Schumacher Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 13	

LICHTENBERG (BERLIN)	
Chief: Huber Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 13	
Prod: 13, Acetate and Supercellulose Fibres	

4 SMALL OXYGEN PLANTS	
Chief: (Johann Phosphor) Hübner Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Lorenz Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Lorenz Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 15	
Prod: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10	

PARCHWITZ * 1941	
Chief: Hübner Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: (in construction)	
Pers. Dept: Hoffmann Dr. Fritz (10.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Pharmaceuticals 4	
Prod: 9	

STASSFURT * 1935	
Chief: Schmidt Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Pöschmann Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Magnesium 50	
Prod: 14	

ROTTWEIL	
Chief: Osterburg Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Rayon 11	
Prod: 13	

LANDSBERG * 1938	
Chief: Hoffmann Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Fibres, Foils, Synth. Fibres 72	
Prod: 12, Foils	

MAINKUR	
Chief: Jacoby Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Gieseler Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Krümel Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 2, 5, 7, 8, 9	

DORMAGEN	
Chief: Harz Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Acetylcellulose 8	
Synthetic Fibres 19	
Prod: 1, 13	

TEUSCHENTHAL * 1937	
Chief: Riecke Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Pöschmann Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Magnesium 4	
Prod: 14	

EILENBURG	
Chief: Fousheer Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Nitrocellulose (Total) 6	
Prod: Nitrocellulose	

BIEBRICH	
Chief: Aenderhald Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Kuhl Dr. Fritz	
Pers. Dept: Kuhl Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 20	
Prod: Cellulose, Oxide Paper	

OFFENBACH	
Chief: Hagenböcker Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Schröder Dr. Fritz	
Pers. Dept: Krümel Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 2, 7	

DUISBURG	
Chief: Wolf Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics and Metals 39	
Prod: Processing residues from pyrite	

RHEINFELDEN	
Chief: Liebig Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Inorganics 11	
Prod: 1, 3, 8	

EILENBURG	
Chief: Fousheer Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Nitrocellulose (Total) 6	
Prod: Nitrocellulose	

BIEBRICH	
Chief: Aenderhald Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Kuhl Dr. Fritz	
Pers. Dept: Kuhl Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 20	
Prod: Cellulose, Oxide Paper	

GERSTHOFEN	
Chief: Weber Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 1, 2, 3, 8	

KNAPSACK	
Chief: Bachmann Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Wöhrer Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Hoffmann Dr. Fritz (10.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 1, 3	

SCHARZFELD * 1941	
Chief: Lange Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 3	
Prod: Dolomite Quarry	

DOBERITZ	
Chief: Schneider Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Organic Intermediates 14	
Prod: 1, 2	

BIEBRICH	
Chief: Aenderhald Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Kuhl Dr. Fritz	
Pers. Dept: Kuhl Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 20	
Prod: Cellulose, Oxide Paper	

EYSTRUP	
Chief: Geiger Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: Sera	

KNAPSACK	
Chief: Bachmann Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Wöhrer Dr. Fritz (10.000 Tonschmelze)	
Pers. Dept: Hoffmann Dr. Fritz (10.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Prod: 1, 3	

LEIPZIG * 1941	
Chief: Bölle Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 8	
Prod: Light Metal Coating	

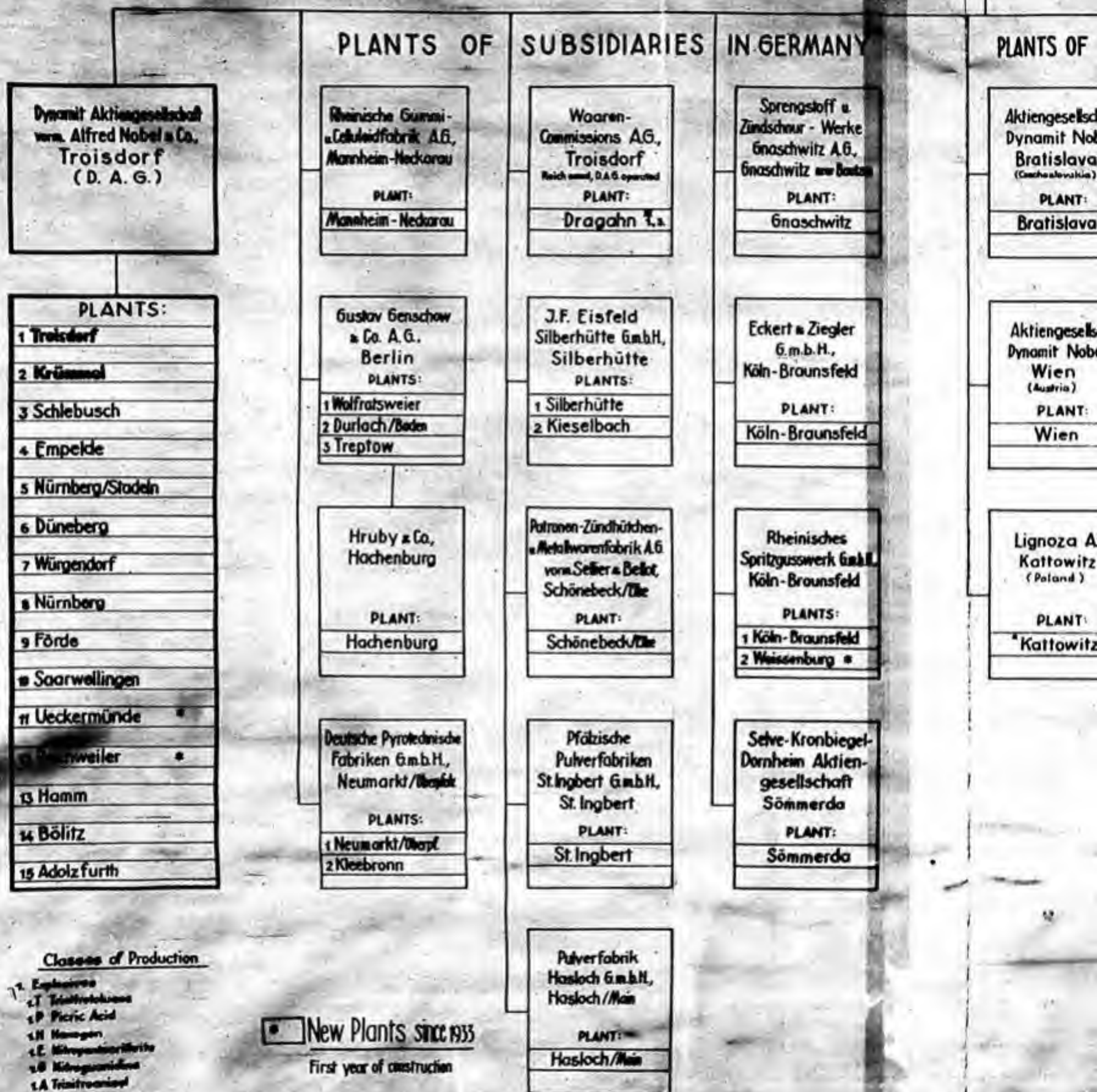
NACHRODT * 1940	
Chief: Bollmann Dr. Fritz (18.000 Tonschmelze)	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 7	
Prod: Light Metal Sheets	

BIEBRICH	
Chief: Aenderhald Dr. Fritz (18.000 Tonschmelze)	
Hilfschef: Kuhl Dr. Fritz	
Pers. Dept: Kuhl Dr. Fritz	
Werk Dept: Pöschmann Dr. Fritz	
Total Investm. 20	
Prod: Cellulose, Oxide Paper	

CLASSES OF PRODUCTION

1. Inorganic Products and Nitrogen
2. Organic Intermediates
3. Solvents, Plasticizers, Methanol
4. Synthetic Tanning Agents
5. Plastics, Synthetic Rubber, Accelerators
6. Products for Various Fields of Application
7. Dyestuffs
8. Pyrethrum, Pyrethroids, Pyrethrin, Pyrethrinoids
9. Pharmaceuticals
10. Insecticides
11. Gasoline, Lubricating Oils
12. Photographic Materials
13. Synthetic Fibres
14. Light Metals
15. Poisonous Oils and Intermediates

☐ New Plants since 1933
Prod. and/or investm. from 1933 onwards in 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2



Classes of Production

1. Explosives
 - 1.T Trinitrotoluene
 - 1.P Picric Acid
 - 1.H Hexogen
 - 1.E Nitrophenylmethane
 - 1.B Nitroguanidine
 - 1.A Trinitroanisole
 - 1.B Bisnitrobenzene
2. (C) Nitrocellulose
 - 1.P Gunpowder
3. Levelling of ground and Gravel
4. Fences and Refractors
5. Plastics

☒ New Plants since 1935

First year of construction

☐ Old Plants

Administration
Gesellschaft von Alfred Nobel & Co.
Triebsdorf

PLANTS OF THE PRINCIPAL COMPANY
ALFRED NÖBEL & CO.

PLANTS OF SUBSIDIARIES ABROAD

Aktiengesellschaft
Dynamit Nobel
Bratislava
(Czechoslovakia)
PLANT:
Bratislava

Sprengstoffwerke
Oberschlesien G.m.b.H.
Kattowitz
(Poland)
PLANTS:
1 Oberlazisk (PRUSS)
2 Kriewald (PRUSS)

Aktiengesellschaft
Dynamit Nobel
Wien
(Austria)
PLANT:
Wien

Luxit
Sprengstoffe G.m.b.H.
Luxembourg
PLANT:
*Luxembourg

* taken over 1940

Lignoza A.G.,
Kattowitz
(Poland)
PLANT:
*Kattowitz

Gesellschaft m.b.H.
zur Verwertung chemischer
Erzeugnisse, Triebsdorf
(Verwertchemie)
Reich owned, D.A.G. operated

PLANTS:		
1 Altdorf	1.T. 2.	1900
2 Braunschweig	1.T. 2.C. 2.P. 2.B. 2.O. 2.W.	1900
3 Christenstadt	1.H. 1.T. 2.C. 2.P. 2.W.	1900
4 Heselbach-Lichtentanne	1.T. 2.C. 2.P. 2.W.	1900
5 Malschew	1.E. 4.	1900
6 Aschau	2.C	1900
7 Bobingen	1.H.	1900
8 Beisenburg/Eber		1900
9 Chausseel	1.T. 2.	1900
10 Biberitz	1.H.	1900
11 Bönitz	1.T. 1.P. 2.	1900
12 Eberhausen	2.C. 2.	1900
13 Erfurt		1900
14 Ettringen / Bbb.	not in operation	
15 Exchestrathaus	not in operation	
16 Götzen	1. not in operation	
17 Grünberg/Schmin		1900
18 Gügen	2.C. 1.A. 4.	1900
19 Haraberg	2.	1900
20 Hohensooten	2.C	1900
21 Kaufbeuren	2.	1900
22 Kaufering	2.C. not in operation. 2.P. 2.W.	1900
23 Ludwigsdorf am Glaz	2.	1900
24 Malmitz	2.	1900
25 Munich	4.	1900
26 Mühlert/Bbb.		1900
27 Premnitz	2.	1900
28 Uckermark	2.C. 1.B.	1900
29 Wolfershausen	1.E. 4.	1900
30 Wörtern (Exchestrathaus)	2.	1900
31 Kucheln (Palm)	2.	1900
32 Petersdorf (Palm)	2.	1900

Members of the (Mitglieder)

A U F S I C H T S R A T

1926 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
1. DUISBERG, Carl (Chairman - Vorsitzender)	1926-1935
2. BOSCH, Carl (Chairman - Vorsitzender)	1935-1940
3. KRAUCH, Carl (Chairman - Vorsitzender)	1940-1945
4. ARS, Hermann J.	1940-1945
5. AUHERT, Axel	1928-1943
6. AUFSCHLAGER, Gustav	1926-1934
7. BAYER, Richard	1926-1945
8. VON BETHMANN, Moritz	1926-1932
9. VON BOETTINGER, Waldemar	1926-1945
10. VON BRUNING, Adolf	1926-1932
11. VON BRUNING, Walter	1926-1945
12. BRUNCK, Lothar	1926-1942
13. DUISBERG, Carl Ludwig	1926-1932 and 1935-1945
14. FISCHER, Otto	1926-1932
15. FRANK, Rudolf	1926-1926
16. VON GAMP-MASSAUNEN, Botho	1926-1932
17. GANS, Leo	1926-1935
18. GAUS, Wilhelm (Deputy Chairman - Stellvertretender Vorsitzender, 1940-1945)	1938-1945
19. GOLDSCHMIDT, Jakob	1930-1932
20. HABER, Fritz	1926-1932
21. HAEUSER, Adolf	1926-1938
22. HAGEN, Louis	1926-1932

Members of the
AUFSICHTSRAT

(Continued, Page 2)

	<u>Name</u>	<u>Period</u>
23.	HASSLACHER, Jakob	1930-1940
24.	HAUCK, Otto	1926-1932
25.	HESS, Johannes	1940-1945
26.	HUMMEL, Hermann	1926-1932
27.	KACHHELEN, Adolf	1926-1938
28.	KALLE, Wilhelm Ferdinand (Deputy Chairman - Stellvertretender Vorsitzender, 1938-1945)	1926-1945
29.	KRECKLER, Karl	1933-1945
30.	LAGGERS, Clemens	1926-1932
31.	MANN, Rudolf	1931-1935
32.	TER MEER, Edmund	1926-1931
33.	VON MEISTER, Wilhelm	1926-1935
34.	VON MENDELSSOHN - BARTHOLDY, Otto	1926-1937
35.	MERTON, Alfred	1926-1935
36.	MERTON, Richard	1935-1937
37.	VON MOELLENDORFF, Richard	1926-1932
38.	MOLDENHAUER, Paul	1926-1929
39.	MOSLER, Eduard	1938-1939
40.	MUELLER, Carl (Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1926-1931)	1926-1931
41.	VON MUELLER, Gustav	1926-1932
42.	MUELLER, Paul	1938-1945
43.	OPPENHEIM, Franz	1926-1929
44.	OPPENHEIM, Kurt	1931-1932
45.	PLITZER, Wilhelm	1926-1937
46.	PFATT, Siegfried	1926-1928
47.	PFLITZER, Karl	1938-1945

Members of the
A U F S I C H T S R A T

(Continued, Page 3)

<u>Name</u>	<u>Period</u>
48. PISTOR, Gustav	1938 - 1945
49. PLESCH, Arpad	1926 - 1932
50. PLIENINGER, Theodor	1926 - 1930
51. VOM RATH, Walther (First Deputy Chairman - Erster Stellvertretender Vorsitzender, 1926-1933; Deputy Chairman - Stellvertretender Vorsitzender, 1933-1940)	
52. SCHARF, Otto	1941 - 1943
53. SCHARFF, Julius	1926 - 1936
54. SCHIMMELPENNINCK, Rutger Jan Eugen	1926 - 1945
55. VON SCHINCKEL, Max	1936 - 1932
56. SCHLIEFER, Gustav	1935 - 1937
57. SCHLITZER, Oscar	1930 - 1935
58. SCHMIDT, Robert E.	1926 - 1932
59. SCHMIDT-OTT, Friedrich	1926 - 1945
60. SCHNIEWIND, Emil	1926 - 1932
61. VON SCHNITZER, Paul	1926 - 1932
62. VON SCHNITZER, Richard	1926 - 1932
63. VON SCHRENK-NOTZING, Albert	1926 - 1929
64. VON SCHRENK-NOTZING, Leopold	1929 - 1945
65. SCHUON, Ludwig	1931 - 1937
66. S ECK, Erwin	1938 - 1945
67. SELIGMAN, Milton	1931 - 1932
68. VON SIMOLIN, Rudolf	1926 - 1932
69. VON SIMSON, August	1926 - 1927
70. VON SIMSON, Ernst	1926 - 1937
71. VON STEINMEISTER, Otto	1926 - 1932
72. WARBURG, Max M.	1926 - 1932

Members of the
A U F S I C H T S R A T

(Continued, Page 4)

<u>Name</u>	<u>Period</u>
73. WEIDMAN, Carl	1926-1930
74. VON WEINBERG, Arthur	1926-1937
75. VON WEINBERG, Carl (Third Deputy Chairman - Dritter Stellvertretender Vorsitzender, 1926-1933; Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1933-1937; Deputy Chairman - Stellvertretender Vorsitzender, 1933-1937)	1926-1937
76. ZWEIFFEL, Willy	1926-1933
<u>Union Representatives on (Betriebsratsvertreter im) Aufsichtsrat</u>	
77. BUEHNER, Georg	1926-1933
78. SPARRE, Otto	1926-1933

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7957, an affidavit by Hermann BAESSLER, dated 17 July 1947.

Muenberg, Germany
9 August 1947

Constance Gavarae
AOO D-433075
Research Analyst, OCCWG

Members of the (Mitglieder)

VERWALTUNGSRAT

of the Aufsichtsrat

1926-1937

<u>Name</u>	<u>Period (Zeitraum)</u>
1. DUISBERG, Carl (Chairman - Vorsitzender, 1926-1935)	1926-1935
2. BOSCH, Carl (Chairman - Vorsitzender, 1935-1937)	1935-1937
3. HAUSSER, Adolf	1926-1933
4. KALLE, Wilhelm Ferdinand	1926-1937
5. KRETZLER, Karl	1933-1935
6. MANN, Rudolf	1931-1935
7. TER MEER, Edmund	1926-1929
8. MUELLER, Carl (Second Deputy Chairman - Zweiter Stellvertretender Vorsitzender, 1926-1931)	1926-1931
9. OPPENHEIM, Franz	1926-1929
10. PLIENINGER, Theodor	1926-1930
11. VON RATH, Walther (First Deputy Chairman - Erster Stellvertretender Vorsitzender, 1926-1932)	1926-1932
12. SCHUON, Ludwig	1931-1937
13. VON SIMSON, Ernst	1926-1937
14. VON WEINBERG, Arthur	1926-1935
15. VON WEINBERG, Carl (Third Deputy Chairman - Dritter Stell- vertretender Vorsitzender, 1926-1931; Second Deputy Chairman - Zweiter Stell- vertretender Vorsitzender, 1931-1932; Deputy Chairman - Stellvertretender Vorsitzender, 1932-1936)	1926-1936

Certificate

I certify that the entries in the above table were compiled from Document No. MI-7957, an affidavit by Hermann BAESSLER, dated 17 July 1947.

Muenberg, Germany
9 August 1947

CONSTANCE CAVARES
AOB No. 433075
Research Analyst
OCCWC

Members of the (Mitglieder)

AUFSICHTSRAT COMMITTEE

(AUFSICHTSRAT AUSSCHUSS)

(1938-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH, Carl (Chairman - Vorsitzender, 1938-1940)	1938-1940
2. KRAJCH, Carl (Chairman - Vorsitzender, 1940-1945)	1940-1945
3. GAUS, Wilhelm	1938-1945
4. KALLE, Wilhelm Ferdinand	1938-1945
5. MUELLER, Paul	1938-1945
6. PISTOR, Gustav	1938-1945
7. VOM RATH, Walther	1938-1940
8. SELCK, Erwin	1938-1945

Certificate

I certify that the entries in the above table were compiled from Document No. NI-10045, an affidavit by Hermann RAESSLER, dated 26 July 1947.

Munich, Germany
9 August 1947

CONSTANCE GAVARIS
AGD No. 433075
Research Analyst,
OCOWO

Members of the (Mitglieder)

V O R S T A N D

1926 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>	
	<u>Deputy Member</u> (Stellvertretendes Mitglied)	<u>Member</u> (Mitglied)
1. BOSCH, Carl (Chairman - Vorsitzender, 1926-1935)		1926-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender, 1935-1945)		1926-1945
3. ABEL, Julius	1926-1929	
4. ALBRECHT, Karl	1926-1929	
5. AMBROS, Otto		1938-1945
6. AMELBURG, Alfred		1926-1930
7. BONHOEFFER, Otto	1926-1930	
8. BORN, Andries	1926-1930	
9. BORSBACH, Ernst	1926-1931	
10. BRUEGGEMANN, Max	1926-1934	1934-1945
11. BUEB, Julius		1926-1929
12. BUERGIN, Ernst		1938-1945
13. BUETEFISCH, Heinrich	1934-1938	1938-1945
14. BUHL, Bernhard		1926-1940
15. COHEN, Max		1926-1932
16. CURSCHMANN, Fritz	1926-1931	
17. DEBEL, Erich	1926-1937	
18. DION, Jakob	1926-1929	
19. DOERMER, Otto		1926-1931
20. DUDEN, Paul		1926-1932
21. ERLICHMANN, Arnold	1926-1929	
22. GAFENSKI, Fritz	1931-1934	1934-1945
23. GAUS, Wilhelm		1926-1937

Members of the
Y O R S T A N D
 (Continued, Page 2)

<u>Name</u>	<u>Period</u>	
	<u>Deputy Member</u>	<u>Member</u>
24. GREIF, Wilfrid		1926-1931
25. HAEFLIGER, Paul	1926-1938	1938-1945
26. HAGEMANN, Carl		1926-1931
27. HAUSSMANN, Emil		1926-1928
28. HERMANN, Ludwig	1926-1934	1934-1938
29. HEYMANN, Bernhard		1926-1929
30. HILPERT, Richard	1926-1933	
31. HOFMEIER, Heinrich	1926-1931	1931-1945
32. HOLM, Wilhelm	1926-1931	
33. ILGNER, Max	1934-1938	1938-1945
34. JACOBI, Constantin	1926-1938	1938-1943
35. JAEHKE, Friedrich	1934-1938	1938-1945
36. JULIUS, Paul		1926-1928
37. KERTENS, Adolf	1926-1927	
38. VON KNYERIK, August	1926-1931	1931-1945
39. KRAUCH, Carl	1926-1934	1934-1940
40. KRAUSS, Adolf	1926-1931	
41. KREKELER, Karl		1926-1932
42. KRELL, Arthur	1926-1926	
43. KUHNKE, Hans		1926-1945
44. LAUTENSCHLAGER, Carl	1931-1935	1938-1945
45. LISSMAN, Karl	1926-1929	
46. LOHMEYER, Wilhelm		1926-1931
47. MANN, Rudolf		1926-1930
48. MANN, Wilhelm Rudolf	1931-1934	1934-1945
49. TER MEER, Fritz		1926-1945
50. MEYER, Kurt H.		1926-1932

(Continued)

Members of the
YORSTAD
(Continued, Page 3)

<u>Name</u>	<u>Period</u>	
	<u>Deputy Member</u>	<u>Member</u>
51. MICHEL, Oscar		1926-1926
52. MOLNAR, Georg		1926-1930
53. MUEHLEN, Wilhelm	1926-1937	
54. MUELLER-CUNRADI, Martin		1943-1945
55. NIEBE, Alexander	1926-1930	
56. NOBRE, Fritz		1926-1929
57. OLLENDORFF, Gerhard	1926-1932	
58. OPPENHEIM, Kurt		1926-1930
59. OSTER, Heinrich	1928-1931	1931-1945
60. OTT, Philipp		1926-1929
61. OTTO, Wilhelm	1931-1934	1934-1945
62. PHILIPPI, Richard	1926-1930	
63. PISTOR, Gustav		1926-1937
64. PROELSS, Adelbert		1926-1926
65. REY, Carl	1926-1930	
66. ROESCH, Carl	1926-1931	
67. ROMER, Martin	1926-1933	
68. SCHARF, Otto	1926-1934	1934-1940
69. SCHLUSSENER, Carl	1926-1927	
70. SCHMIDT, Albrecht		1926-1931
71. SCHNEIDER, Christian	1928-1937	1938-1945
72. VON SCHNITZLER, Georg		1926-1945
73. SCHUON, Ludwig		1926-1927
74. SEEBOHM, Hermann C.A.		1926-1931
75. SEIDEL, Otto	1926-1937	
76. SEIDEL, Paul	1926-1929	
77. SELCK, Erwin		1926-1937

Members of the

Y O R S T A N D

(Continued, Page 4)

<u>Name</u>	<u>Period</u>	
	<u>Deputy Member</u>	<u>Member</u>
78. SPECKETER, Heinrich		1926-1932
79. STANGE, Otto	1926-1936	
80. VON THIEL, Heinrich	1926-1932	
81. TIEDTKE, Richard	1926-1931	
82. VEITH, Karl	1926-1927	
83. WAGNER, Hermann	1926-1932	
84. WALSH, Hermann	1926-1928	1928-1945
85. WALTHER, Hans	1926-1934	1934-1940
86. WARMBOLD, Hermann		1926-1931
87. WEBER, William	1926-1931	
88. WEBER-ANDREAS, Eduard		1926-1943
89. WEIDLICH, Richard		1926-1930
90. WESKOTT, Friedrich Richard		1926-1935
91. WIEGAND, Leopold	1926-1937	
92. WISS, Ernst		1926-1932
93. WOLFF, Hans Eduard	1926-1937	
94. WURSTER, Carl		1938-1945
95. ZACHARIAS, Emil		1926-1930

Certificate

I certify that the entries in the above table were compiled from Document No. NI-7956, an affidavit by Hermann RAESSLER, dated 8 July 1947.

Munich, Germany
9 August 1947

WILLIAM A. ACTON
AGC No. D-417491
Research Analyst, OCCWO

Members of the (Mitglieder)

WORKING COMMITTEE OF THE VORSTAND

(ARBEITSSCHUSS)

1926-1938

Name	Period (Zeitraum)
1. BOSCH, Carl (Chairman - Vorsitzender 1926-1935)	1926-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender 1935-1938)	1926-1938
3. AMMELBUND, Alfred	1926-1930
4. HUBBOLDT, Max	1935-1938
5. BUES, Julius	1926-1929
6. BUEFELSCH, Heinrich	1933-1938
7. BURL, Bernhard	1931-1938
8. DICKER, Paul	1935-1938
9. DOEBNER, Otto	1926-1931
10. DUDEN, Paul	1926-1932
11. ERLERBACH, Arnold	1926-1929
12. GAJEWSKI, Fritz	1929-1938
13. GATTINGAU, Heinrich	1932-1935
14. GAUS, Wilhelm	1926-1937
15. GRIFF, Wilfrid	1926-1931
16. HAGEMANN, Carl	1926-1931
17. HERMANN, Ludwig	1933-1938
18. HOERLEIN, Heinrich	1931-1938
19. ILGNER, Max	1933-1938
20. JACOBI, Constantin	1933-1938
21. KRIEGER, Johann August	1931-1938
22. KRAUCH, Carl	1929-1938
23. KREKELER, Karl	1926-1932
24. KUEHN, Hans	1926-1938
25. LOHMEYER, Wilhelm	1926-1931
26. MANN, Rudolf	1926-1930

Members of the

WORKING COMMITTEE OF THE WESTERN

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
27. MANN, Wilhelm Rudolf	1931-1938
28. TER MEER, Fritz	1926-1938
29. MEYER, Kurt E.	1926-1932
30. MICHEL, Oscar	1926-1926
31. MOLNAR, Georg	1926-1930
32. MORRE, Fritz	1926-1929
33. OPPENHEIM, Kurt	1926-1930
34. OSTER, Heinrich	1929-1938
35. OTTO, Wilhelm	1930-1938
36. PISTOR, Georg	1926-1937
37. ROESCH, Carl	1930-1931
38. SCHARF, Otto	1936-1938
39. SCHWEIDER, Christian	1937-1938
40. VON SCHUTZLER, Georg	1926-1938
41. SCHUCH, Ludwig	1926-1927
42. SELCK, Erwin	1926-1937
43. WAIHEL, Hermann	1927-1938
44. WEBER-ANDREAE, Eduard	1926-1938
45. WEIDLICH, Richard	1926-1930
46. WESKOTT, Friedrich Richard	1926-1935
47. WURSTER, Carl	1938-1938

Certificate

I certify that the entries in the above table were compiled from Document No. NI-10044, an affidavit by Hermann BAESSLER, dated 4 August 1947.

Nuernberg, Germany
9 August 1947

CONSTANCE GAVARES
AGO No. 433075
Research Analyst. OGCMD

Members of the (Mitglieder)
CENTRAL COMMITTEE
 (Zentral Ausschuss - ZA)

of the Vorstand

1930 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH, Carl Chairman - Vorsitzender, 1930-1935)	1930-1935
2. SCHMITZ, Hermann (Chairman - Vorsitzender, 1935-1945)	1930-1945
3. DUTEN, Paul	1930-1932
4. GAJEWSKI, Fritz	1933-1945
5. GAUS, Wilhelm	1930-1937
6. HOEHLEIN, Heinrich	1933-1945
7. VON KNIERIEM, August	1938-1945
8. KRAUCH, Carl	1933-1940
9. KRECKLER, Karl	1930-1932
10. MAHN, Rudolf	1930-1930
11. TER MEER, Fritz	1933-1945
12. SCHWEDLER, Christian	1938-1945
13. VON SCHWITZER, Georg	1930-1945
14. SELCK, Erwin	1930-1937

Aufsichterrat Chairmen Invited to Attend
Meetings of Central Committee
 (Vorsitzende des Aufsichterrats die als Gäste den Sitzungen des
 Zentral Ausschusses beizuhören)

1. DUISBERG, Carl	1930-1935
2. BOSCH, Carl	1935-1940
3. KRAUCH, Carl	1940-1945

Certificate

I certify that the entries in the above table were compiled from Documents No. NI-7956, an affidavit by Hermann BAESSLER, dated 8 July 1947, and No. NI-5184, an affidavit by the defendant Fritz ter MEER, dated 29 April 1947.

Munich, Germany
 9 August 1947

CONSTANCE GAVRES
 AGO No. 433075
 Research Analyst, OCCWC

Members of the (Mitglieder)
TECHNICAL COMMITTEE
 (TECHNISCHER AUSSCHUSS-TEA)
 (1925-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BOSCH (Chairman - Vorsitzender, 14 October 1925 - 22 October 1925)	1925-1935
2. KREMER, Karl (Chairman - Vorsitzender, 1925-1932)	1925-1932
3. ter MEER, Fritz (Chairman - Vorsitzender, 1933-1945)	1925-1945
4. PISTOR, Gustav (First Deputy Chairman - Erster Stell- vertretender Vorsitzender, 1925-1932)	1925-1937
5. GAJEWSKI, Fritz (First Deputy Chairman - Erster Stell- vertretender Vorsitzender, 1933-1945)	1925-1945
6. DUDER, Paul (Second Deputy Chairman - Zweite Stell- vertretender Vorsitzender, 1925-1933)	1925-1932
7. BOEHLER, Heinrich (Second Deputy Chairman - Zweite Stell- vertretender Vorsitzender, 1933-1945)	1931-1945
8. AMEROS, Otto	1938-1945
9. AMELBORN, Alfred	1925-1930
10. BUECHER, Ernst	1938-1945
11. BUECHER, Heinrich	1938-1945
12. BENCKE, Paul	1938-1945
13. EISENACH, Arnold	1925-1929
14. GAUS, Wilhelm	1925-1937
15. HAUERLAND, Ulrich	1941-1945
16. HAGEMANN, Carl	1925-1931
17. HERMANN, Ludwig	1933-1938
18. JACOBI, Constantin	1938-1943
19. JAHNKE, Friedrich	1938-1945
20. KLEINE, Johannes	1938-1945
21. KRAUCH, Carl	1929-1940
22. KUEHN, Hans	1925-1945

(1)

(Continued)

Members of the
TECHNICAL COMMITTEE

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
23. LAUTENSCHLAGER, Carl	1938-1945
24. LOHMEYER, Wilhelm	1925-1931
25. MEYER, Kurt H.	1925-1932
26. MUELLER, Paul	1926-1945
27. MUELLER-CUNRADI, Martin	1938-1945
28. RIESS, Kurt	1940-1945
29. SAUER, Hans	1940-1945
30. VON STADEN, Hans	1941-1944
31. SCHARF, Otto	1938-1942
32. SCHWEIDER, Christian	1938-1945
33. WINNACKER, Karl	1943-1945
34. WURSTER, Karl	1938-1945

Guests or Visitors
(Gäste oder Besucher)

<u>Name</u>	<u>Period</u>
1. BUEGIN, Ernst	1937-1938
2. BUEZEFISCH, Heinrich	1932-1938
3. DENCKER, Paul	1930-1938
4. HERMANN, Ludwig	1932-1933
5. HOEHLER, Heinrich	8 Jan. 1931 - 24 Feb. 1931
6. JACCHI, Constantin	1926-1938
7. JAEHNE, Friedrich	1936-1938
8. KLEINE, Johannes	1931-1938
9. VON KNIEZEM, August	1931-1945
10. LOEHR, Oscar	1938-1945
11. PUNGS	1936-1945

(Representing Paul MUELLER, Chairman of
Dynamit A.G. (DAG), when the latter could
not attend - Stellvertreter fuer Paul MUELLER,
Vorsitzender der Dynamit A.G. (DAG), wenn
Letzterer nicht anwesend sein konnte)

(Continued)

Members of the
TECHNICAL COMMITTEE

(Continued) Page 5)

<u>Name</u>	<u>Period</u>
12. SEIBEL, Otto	1925-1937
13. STRUSS, Ernst A.	1925-1945
14. SCHARF, Otto	1925-1938
15. SCHMITZ, Hermann	1925-1945
16. VON SCHNITZER, Georg	1929-1945
17. SCHNEIDER, Christian	1929-1938

Certificate

I certify that the entries in the above table were compiled from Document No. NL-10043, an affidavit by Dr. Heinz Eichwede, dated 29 July 1947.

Starnberg, Germany
August 1947

ALBERT C. D. LEVY
AGO D-434708
Attorney, OCCWO

Members of the (Mitglieder)
COMMERCIAL COMMITTEE
 (KAUFMÄNNISCHER AUSSCHUSS)

1937-1945

<u>Name</u>	<u>Period (Zeitraum)</u>
-------------	--------------------------

Vorstand Members (Vorstandsmitglieder)

1. <u>VON SCHNITZER, Georg</u> (Chairman - Vorsitzender)	1937-1945
2. <u>HAEFLIGER, Paul</u>	1937-1945
3. <u>ILGNER, Max</u>	1937-1945
4. <u>MANN, Wilhelm Rudolf</u>	1937-1945
5. <u>MUEHLEN, Friedrich</u>	1937-1939
6. <u>OSTER, Heinrich</u>	1937-1945
7. <u>OTTO, Wilhelm</u>	1937-1945
8. <u>WABER, Hermann</u>	1937-1945
9. <u>WEHR-ANDREAS, Eduard</u>	1937-1943

Other Members (Andere Mitglieder)

10. <u>VAN BEEK, Heinz</u>	1944-1945
11. <u>BORGWARDT, Helmuth</u>	1943-1945
12. <u>DEMCKE, Paul</u>	1940-1945
13. <u>FISCHER, Ernst R.</u>	1937-1939
14. <u>FRANK-FAHLE, Guenther</u> (Secretary - Protokollfuehrer)	1937-1945
15. <u>GROBEL, Josef</u>	1944-1945
16. <u>HANSER, Rudolf</u>	1940-1945
17. <u>VON HEIDER, Karl</u>	1943-1945
18. <u>KRIEGER, Fritz</u>	1944-1945
19. <u>KRUEGER, Kurt</u>	1937-1945
20. <u>KUHLER, Hans</u>	1940-1945
21. <u>MUELLER, Paul</u>	1937-1945
22. <u>TEHHAAR, Jost</u>	1940-1945
23. <u>UHL, Bruno</u>	1944-1945
24. <u>WEISS, Karl</u>	1940-1944

(Continued)

COMMERCIAL COMMITTEE

(Continued, Page 2)

Guests (Gäste)

<u>Name</u>	<u>Period (Zeitraum)</u>
1. BORGWARDT, Helmuth	1940-1943
2. von HEIDER, Karl	1940-1943
3. SCHMITZ, Hermann	1937-1945

C E R T I F I C A T E (BESTÄTIGUNG)

The available minutes of the Commercial Committee show that numerous other Farben officials, including the defendants Gajewski, von Knieriem and ter Meer, were occasional guests or visitors at the meetings of the Commercial Committee. I certify that the entries in the above table were compiled from document No. NI-8494, an affidavit of Guenther Frank-Vahle, dated 15 February 1947.

(Die zur Verfügung stehenden Protokolle des Kaufmännischen Ausschusses zeigen, dass zahlreiche andere Herren von I.G. Farben, darunter die Angeklagten Gajewski, von Knieriem und ter Meer, gelegentlich als Gäste oder Besucher an den Sitzungen des Kaufmännischen Ausschusses teilnahmen. Ich bestätige, dass die Eintragungen in obiger Liste aus dem Dokument No. NI-8494 zusammengestellt wurden, einer Erklärung unter Eid von Guenther Frank-Vahle, datiert 15. Februar 1947.)

Nurnberg, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 20076
Research Analyst
OCCWG

Chiefs of the (Leiter)

SPARTEN

1929 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Sparte I</u>	
KRAUCH, Carl	1929 - 1937
SCHNEIDER, Christian	1938 - 1945
(Deputy (Stellvertreter): BUNDEFISCH, Heinrich, 1938 - 1945)	
<u>Sparte II</u>	
TER MEER, Fritz	1929 - 1945
<u>Sparte III</u>	
GAJEWKI, Fritz	1929 - 1945

Chiefs of the (Leiter)

SPARTEN OFFICES

(Sparten-Bueros)

1929 - 1945

<u>Sparte I</u>	
GOLDBERG, Reinhard (Oppau)	1929 - 1945
<u>Sparte II</u>	
STRUSS, Ernst August (Frankfurt/M.)	1931 - 1945
<u>Sparte III</u>	
MEYER, Harry (Wolfen)	1929 - 1945

Certificate

I certify that the entries in the above table were compiled from Document No. NI-9487, an affidavit by Dr. Ernst August STRUSS, dated 5 August 1947.

Munich, Germany
11 August 1947

ALBERT G. D. LEVI
U.S. Civilian
AGO No. D-434708

(1)

Chiefs of the (Leiter)
WORKS COMBINES
 (Betriebsgemeinschaften)

1925 - 1945

<u>Name</u>	<u>Period (Zeitraum)</u>
-------------	--------------------------

I. Works Combine Upper Rhine
 (Betriebsgemeinschaft Oberrhein)

1. BOSCH, Carl	1925 - 1930
2. GAUS, Wilhelm	1931 - 1937
3. KRAUCH, Carl	1938 - 1940
4. WURSTER, Carl	1940 - 1945

II. Works Combine Main Valley
 (called "Middle Rhine" before 1927 or 1928)
 (Betriebsgemeinschaft Maingau
 genannt "Mittelrhein" vor 1927 oder 1928)

1. DUTEN, Paul	1925 - 1932
2. HERMANN, Ludwig	1933 - 1938
3. LAUTENSCHLAGER, Carl	1938 - 1945

(Deputy (Stellvertreter):
JAHNE, Friedrich, 1938 - 1945)

III. Works Combine Lower Rhine
 (Betriebsgemeinschaft Niederrhein)

1. KREKELER, Carl	1925 - 1932
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(Deputy (Stellvertreter):
KUEHNE, Hans, 1930 - 1932)

2. KUEHNE, Hans	1933 - 1945
3. HARSFELD, Ulrich	1945 - 1945

IV. Works Combine Central Germany
 (Betriebsgemeinschaft Mittelddeutschland)

1. HAGEMANN, Carl	1925 - 1929
2. PISTOR, Gustav	1929 - 1937
3. BUERGIN, Ernst	1938 - 1945

(1)

(Continued)

Chiefs of the
WORKS COMBINES

(Continued, Page 3)

Name

Period

V. Works Combine "Berlin"
(Betriebsgemeinschaft Berlin)

- | | |
|---------------------------------------|-------------|
| 1. LOHMEYER, Wilhelm | 1929 - 1931 |
| (Joint chief with GAJEWSKI) | |
| (Mitverantwortlicher Leiter GAJEWSKI) | |
| 2. GAJEWSKI, Fritz | 1929 - 1945 |
| (after 1931, sole chief) | |
| (alleiniger Leiter nach 1931) | |

The Works Combine "Berlin" was established on
23 November 1929.
(Die Betriebsgemeinschaft Berlin wurde am
23. November 1929 errichtet.)

Certificate

I certify that the entries in the above table were compiled
from Document No. NI- 9497, an affidavit by Dr. Ernst August
STRISS, dated 5 August 1947, and Document No. NI- 10048 the
report of Dr. Heinz RICHARDS.

Munich, Germany
11 August 1947

ALBERT G. D. LEVY
U.S. Civilian
AGC No. D-434708

Chiefs of the (Leiter)
SALES COMBINES AND OTHER
SALES ARRANGEMENTS
 (VERKAUFSGEMEINSCHAFTEN UND ANDERE VERKAUFSORGANISATIONEN)
 (1926 - 1945)

<u>Name</u>	<u>Position</u> (Stellung)	<u>Period</u> (Zeitraum)
<u>I. SALES COMBINE CHEMICALS</u> (Verkaufsgemeinschaft Chemikalien)		
1. <u>WERRER-ANDREAE, Eduard</u>	Chief (Leiter)	1926-1943
2. <u>VON SCHNITZLER, Georg</u>	Chief (Leiter)	1944-1945
3. <u>BORGWARDT, Helmut</u>	Deputy Chief for Organics (Stellvertreter, Organika)	1944-1945
4. <u>HAUPLIGER, Paul</u>	Deputy Chief for Metals (Stellvertreter, Metalle)	1944-1945
5. <u>VON HEIDER, Karl</u>	Deputy Chief for Inorganics (Stellvertreter, Anorganika)	1944-1945
<u>II. SALES COMBINE DYE STUFFS</u> (Verkaufsgemeinschaft Farben)		
1. <u>VON SCHNITZLER, Georg</u>	Chief (Leiter)	1930-1945
2. <u>WIBEL, Hermann</u>	Deputy Chief (Stellvertreter)	1930-1945
<u>III. SALES COMBINE PHARMACEUTICALS</u> (Verkaufsgemeinschaft Pharmazutika)		
1. <u>MAIER, Rudolf</u>	Chief (Leiter)	1926-1930
2. <u>MAIER, Wilhelm Rudolf</u>	Chief (Leiter)	1931-1945
3. <u>BEUGGEMANN, Max</u>	Deputy Chief (Stellvertreter)	1935-1945
<u>IV. SALES COMBINE AGFA (PHOTOGRAPHICS AND ARTIFICIAL FIBRES)</u> (Verkaufsgemeinschaft Agfa)		
1. <u>OPPENHEIM, Kurt</u>	Chief (Leiter)	1926-1930
2. <u>OTTO, Wilhelm</u>	Chief (Leiter)	1931-1945

SALES COMBINES AND OTHER

SALES ARRANGEMENTS

(Continued. Page 2)

V. NITROGEN SYNDICATE

(Stickstoff-Syndikat G.m.b.H.)

1. BUES, Julius	Manager (Geschäftsführer)	1926-1929
2. OSTER, Heinrich	Manager (Geschäftsführer)	1930-1945

VI. SALES ORGANIZATION OILS, BERLIN

(Verkauf Oels, Berlin)

1. FISCHER, Ernst Rudolf	Chief (Leiter)	1934-1939
2. KRÄSTEL, Gustav	Chief (Leiter)	1940-1945

VII. SALES ORGANIZATION (Verkaufsorganisation)

KALLER & Co.

1. ANTERHUB, Jakob H.	Chief (Leiter)	1935-1945
2. LISSMANN, Karl	Chief (Leiter)	1926-1934

CERTIFICATE

I certify that the entries in the above table were compiled from Document No. NI-9267, an affidavit by Hermann Reessler, dated 1 August 1947.

Nürnberg, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 30074
Research Analyst, OCCWC

Members of the (Mitglieder)
DIESTUFFS COMMITTEE
 (FARBEN AUSSCHUSS)
 (1926-1945)

Name Period (Zeitraum)

Vorstand Members (Mitglieder des Vorstandes)

1. von SCHNITZER, Georg (Chairman, 1928-1945) (Vorsitzender 1928-1945)	1926-1945 *)
2. GREIF, Wilhelm	1926-1929
3. LISSMANN, Karl	1929
4. ter MEER, Fritz (As representative of TEA) (Als Vertreter des TEA)	1936-1945
5. MOLNAR, Georg	1926-1930
6. MUEHLEN, Friedrich	1929-1937
7. SCHUON, Ludwig	1926-1927
8. SEEBORN, Hermann	1929-1931
9. SEIDEL, Otto	1936-1937
10. SELCK, Erwin	1929-1937
11. WALBEL, Hermann	1927-1945 *)
12. WALTHER, Hans	1936-1940 *)
13. WESKOTT, Friedrich H.	1926-1935
14. WIRGAND, Leopold	1929-1937
15. WOLFF, Hans E.	1930-1937

Other Members (Andere Mitglieder)

16. von BRUENING, Dolf	1936-1945
17. BOCKERT, Albert	1936-1945
18. HOPPE, Emil	1938-1945
19. JUNGELUTH, Willy	1940-1944
20. KESSELER, Hans	1940-1944
21. KOEHLER, Heinrich	1936-1945 *)
22. KUEPPER, Gustav	1936-1945 *)
23. KUGLER, Hans	1936-1945 *)

(1)

(Continued)

Members of the
DYESTUFFS COMMITTEE

(Continued, Page 2)

<u>Name</u>	<u>Period</u>
24. LOHR, Oskar	1938-1945
* NUESLEIN, Josef	1941-1945
25. OVERHOFF, Julius	1938-1945
27. PABST, Reinhart	1939-1944
28. PFLAUMER, Karl	1940-1945
29. RUESCH, Roland	1941-1945
30. SCHWAB, Hermann	1938-1945
31. VOIGT, Rudolf	1938-1944
32. WEIGANDT, Karl	1936-1945
33. WINDLER, August	1938-1945

Members marked with an asterisk (*) were also members of the Dyestuffs Steering Committee (Engerer Farbensausschuss). (Mitglieder, welchen mit einem Stern (*) gekennzeichnet sind, waren auch Mitglieder des Engeren Farbensausschusses).

Certificate

I certify that the entries in the above table were compiled from Document No. NL-9262, an affidavit by Hermann Basseler, dated 30 July 1947.

Nurnberg, Germany
2 August 1947

GEORGE S. MARTIN
HIO No. 20074
Research Analyst
OCCWC

Members of the (Mitglieder)
CHEMICALS COMMITTEE

(CHEMIKALISCHER AUSSCHUSS)

(1926-1945)

<u>Name</u>	<u>Period</u> (Zeitraum)	<u>Commercial or</u> <u>Technical Member</u> (Kaufmännisches oder Technisches Mitglied)
-------------	-----------------------------	--------------------------------------------------------------------------------------------------

Vorstand Members (Mitglieder des Vorstandes)

1. <u>WEGER-ANDREAS, Eward</u> (Chairman - Vorsitzender)	1926-1943	Commercial (Kaufmännisch)
2. <u>von SCHNITZER, Georg</u> (Chairman - Vorsitzender)	1944-1945	Commercial (Kaufmännisch)
3. <u>AMEROS, Otto</u> -----	1938-1945	Technical (Technisch)
4. <u>BUECHER, Ernst</u> -----	1938-1945	Technical (Technisch)
5. <u>HAERFLINGER, Paul</u> -----	1938-1945	Commercial (Kaufmännisch)
6. <u>KUEHNLE, Hans</u> -----	1926-1945	Technical (Technisch)
7. <u>PISTOR, Gustav</u>	1926-1937	Technical (Technisch)
8. <u>VORSTER, Carl</u> -----	1938-1945	Technical (Technisch)

Other Members (Andere Mitglieder)

9. <u>BORWARDT, Helmuth</u>	1944-1945	Commercial (Kaufmännisch)
10. <u>HARENHARD, Ulrich</u>	1944-1945	Technical (Technisch)
11. <u>von HEIDER, Karl</u>	1944-1945	Commercial (Kaufmännisch)
12. <u>WIEHLACKER, Karl</u>	1944-1945	Technical (Technisch)

Certificate

I certify that the entries in the above table were compiled from Document No. NL-7316, an affidavit by Herr Karl von Heider, dated 28 June 1947.

Munich, 9 August 1947

GEORGE S. MARTIN
 ETO NO. 20074
 Research Analyst
 OGCWU

Members of the (Mitglieder)
PHARMACEUTICALS COMMITTEE
 (PHARMAZEUTISCHE HAUPTKOMMISSION)
 (1926-1945)

<u>Name</u>	<u>Period (Zeitraum)</u>
<u>Vorstand Members (Mitglieder des Vorstandes)</u>	
1. MAHN, Rudolf (Chairman - Vorsitzender)	1926-1930
2. BOERLEIN, Heinrich (Chairman - Vorsitzender)	1930-1945
3. AMMELBURG, Alfred	1926-1930
4. BRUEGGEMANN, Max	1934-1945
5. DOERMER, Otto	1926-1931
6. LAUTENSCHLAGER, Karl	1926-1945
7. MAHN, Wilhelm Rudolf (Vorstand Member since 1931) (Mitglied des Vorstandes seit 1931)	1926-1945

Other Members (Andere Mitglieder)

8. HENDA, Ludwig	1926-1934
9. BOCKMUEHL, Max	1937-1945
10. DUISBERG, Curt	1936-1945
11. FEERLE, Alfred	1934-1945
12. GROBEL, Josef	1936-1945
13. KREBS, Reinhold	1931-1945
14. LUTTER, Clemens (Secretary-Protokollführer)	1934-1945
15. MENTZEL, Fritz	1926-1945
16. MERTENS, Anton	1935-1945
17. PAULMANN, Richard	1938-1945
18. SCHMITZ, Josef	1943-1945
19. SCHGEMHOEFER, Fritz	1939-1945
20. SCHOLL, Franz	1926-1931
21. ZAHN, Gerhard	1940-1945

(1)

(Continued)

Members of the
PHARMACEUTICALS COMMITTEE

(Continued, Page 2)

Certificate

I certify that the entries in the above table were compiled from Documents No. NI-9264, an affidavit by Richard Paulmann, dated 30 July 1947, and NI-9263, an affidavit by Hermann Baessler, dated August 1947.

Munich, Germany
9 August 1947

GEORGE S. MARTIN
ETO No. 20074
Research Analyst
OCCWC

G L O S S A R Y

Some German Terms and Expressions used in connection with
Case No. VI.

WOERTERVERZEICHNIS

Einige deutsche Redewendungen und Ausdruecke, die im Zusammenhang mit Prozess No. VI gebraucht werden.

A

A.A. (abbreviation for "Arbeitsausschuss" in Farben)	Working Committee of the Vorstand (of I.G. Farben)
A.A. (abbreviation for "Auswaertiges Amt")	German Foreign Office
ABWEHREAUPTTRACHTER	intelligence or counter-intelligence agent or representative; security officer
A.G. (abbreviation for "Aktiengesellschaft")	stock company or stock corporation
Agfa (originally abbreviation for "Aktiengesellschaft fuer Anilin-Fabrikation")	NOT TRANSLATED trade name for Farben photographic products
AKTIE	share, stock
AKTINENGESETZ	stock corporation law
ARBEITSAMT	labor office
ARBEITSBUCH	employment book
ARBEITSEINSATZ	labor allocation or utilization of labor
ARBEITSLAGER	labor camp or work camp
ARISIERUNG	aryanization
AUFHEBUNG	rearmament
AUFSICHTSRAT	"supervisory board of directors" (often not translated, since no exact American equivalent)
AUSSCHUSS	committee
AUSWEICHLAGER	dispersal point (for documents, equipment)

BADAMON (originally abbreviation for "Badische Ammoniakwerke")	NOT TRANSLATED. An I.G. Farben sales office for nitrogen fertilizers
BATESTICK (originally abbreviation for "Badische Technische Stickstoff")	NOT TRANSLATED. An I.G. Farben sales office for technical nitrogen
BEAUFTRAGTER	agent (if government function: plenipotentiary)
BEIRAT	advisory board
BEITRIEBUNG	requisition
BERGBAU	mining
BERGBAUGESSELLSCHAFT	mining company
BERGHEFTLICHE GEWERKSCHAFT	mining corporation
BESCHLAGNAHME	sequestration or seizure
BETRIEB	plant, enterprise, establishment
BETRIEBSFUEHRER	plant or enterprise manager (also special "plant leader" under Law for National Labor, 1934)
BETRIEBSGEMEINSCHAFT	works (plant) combine
BETRIEBSMANN	plant labor leader, plant labor trustee
BEVOLLMACHTIGTER	agent (if government function: plenipotentiary)
BEZIRK	district
B.H.O. (abbreviation for "Berg- und Huettenwerksgesellschaft Ost n.b.H.")	NOT TRANSLATED. A special corporation set up to operate in the occupied East
BRABAG (abbreviation for "Braunkohle-Benzin-A.G.")	NOT TRANSLATED. A corporation producing gasoline from lignite.
BRAUNKOHL	lignite or brown coal

C

CHEMA (abbreviation for "Chemikalien-Ausschuss")	Chemicals Committee (of I.G. Farben)
-----------------------------------------------------	-----------------------------------------

D

DACHGESELLSCHAFT	parent company or holding company
DAF (abbreviation for "Deutsche Arbeitsfront")	German Labor Front
DAG (abbreviation for "Dyna- mit A.G. vorm. Alfred & Nobel & Co.")	NOT TRANSLATED. The largest German corporation producing explosives
DEGESCH (abbreviation for "Deutsche Gesellschaft fuer Schaedlingsbe- kaempfung")	NOT TRANSLATED. Corporation producing "Zyklon B" and other products
DEGUSSA (abbreviation for "Deutsche Gold- und Silber-Scheide-Anstalt" vorm. Roseler & Co., Frankfurt a.M.)	NOT TRANSLATED. A corporation concerned with smelting and refining precious metals
DEVISEN	foreign exchange
DEVISENBEWIRTSCHAFTUNG	foreign exchange control
DEVISENGESETZ	Foreign Exchange Law
DEVISENSTELLE	foreign exchange control office
DEVISENZWANGSWIRTSCHAFT	foreign exchange control
DIREKTOR	a manager (title given to a member of the Vorstand or to a manager of a corporation, plant or division)

EIGENTUM	property or ownership
ENTZIEHUNG	confiscation
ENTJUDUNG	"De-Judaization"; elimination of Jews from public or economic life
ERFASSEN	control or seize
ERFASSUNG	control or seizure
ERZIEHUNGSLAGER	a "disciplinary" camp
e.V. (abbreviation for "Eingetragener Verein")	chartered association

FABRIK	factory or plant
FACHARBEITER	skilled worker
FACHGRUPPE	OFTEN NOT TRANSLATED. A special or sub-group of a "Wirtschaftsgruppe" (Economic Group)
FEINDLICHES EIGENTUM	enemy property
FRANCOLOR	NOT TRANSLATED. Short name for a chemical corporation organized in France in 1941
FREIE MARK	free mark (unblocked)
FUHRERPRINZIP	leadership principle
FUHRERANSPRUCH	claim to leadership

GAU	NOT TRANSLATED. Regional unit of the Nazi Party or of the Reich
GAUARBEITSAMT	Gau labor office
GAUWIRTSCHAFTSBERATER	Gau economic adviser
GAUWIRTSCHAFTSKAMMER	Gau economic chamber
G.B. Chen or Gebechen (abbreviation for "Generalbevollmächtigter Chemische Industrie")	OFTEN NOT TRANSLATED. Frequently used abbreviation for "General Plenipotentiary for Special Questions of Chemical Production". Office held only by Carl KRAUCH.
GEFOLGSCHAFT	"employees" and "workers" (personnel) under the Law for National Labor, 1934)
GEHEIM	secret
GEHEIME KOMMANDOSACHE	secret army matter
GEHEIME REICHSSACHE	secret state matter
GEHEIMER KOMMERZLENRAT	NOT TRANSLATED. An honorary German title "privy commercial councillor"
GEHEIMRAT	NOT TRANSLATED. An honorary German title or form of address for high civil servant: "Privy Councillor"
G.m.b.H. (abbreviation for "Gesellschaft mit beschränkter Haftung")	limited liability corporation
GENERALBEVOLLMÄCHTIGTER	general plenipotentiary
GENERALDIREKTOR	general manager (title given to the Vorstand chairman or chief manager of a corporation). Compare "Direktor".
GENERALVERSAMMLUNG	stockholders' meeting (called "Hauptversammlung" after Stock Corporation Law (Aktiengesetz) of 1937)
GENERALVOLLMACHT	general power of attorney
GESCHAFTSANTEIL	participation share (ownership rights in a G.m.b.H.)
GESCHAFTSFÜHRER	manager (of a G.m.b.H.)

G (cont'd)

GESCHAFTSORDNUNG	by-laws
GESELLSCHAFTSVERTRAG	articles (or certificate) of incorporation, articles of a partnership (called "Satzung" after Stock Corporation Law (Aktiengesetz) of 1937)
GESETZ	law, statute, act
GESTAPO (abbreviation for "Geheime Staatspolizei")	Secret State Police
GEWERKSCHAFT	mining corporation or a trade union
GRUBE	pit, mine

H

HANDEL	trade, commerce
H.G.B. (abbreviation for "Handelsgesetzbuch")	German commercial code
HANDLUNGSGEBOLLMACHTIGTER	OFTEN NOT TRANSLATED. Employee with power of attorney; entitled to bind his firm by his signature, either generally or for a specified type of transactions
HAUPTABWEHRENAUFTRAGER	intelligence or chief counter-intelligence chief agent or chief security officer
HAUPTAMT	main office
HAUPTGRUPPE	OFTEN NOT TRANSLATED. A major production division of I.G. Farben; in 1930ies usually referred to as a "Sparte".
HAUPTVERSAMMLUNG	stockholders' meeting (after Stock Corporation Law (Aktiengesetz) of 1937)
H.W.A. (abbreviation for "Heereswaffenamt")	Army Ordnance Office
H.T.O. (abbreviation for "Haupttreuhandstelle Ost")	Sometimes translated as "Main Trustee Office East", a special Reich agency for occupied Poland.
HUETTENWERK	foundry or smelting plant

I

INDUSTRIE	industry
I.G. (abbreviation for "Interessengemeinschaft")	community of interests

J

JASCO (abbreviation for "Joint American Study Company")	NOT TRANSLATED. An American corporation.
JATO (abbreviation for "Jahrestonnen")	tons per year

K

K.A. (abbreviation for "Kaufmännischer Ausschuss")	Commercial Committee (of I.G. Farben)
KAMPFSTOFFE	chemical warfare agents or materials; poison gases
KARTELL	cartel
K.G. (abbreviation for "Kommanditgesellschaft")	NOT TRANSLATED. Similar to a limited partnership
KOMMISSARIATSGLEICHER LEITER	acting or special leader, chief or manager
KONZERN	concern
KREDIT	credit or authorized expenditures
KRIEGSGEFANGENER	prisoner of war
KRIEGSSPIELE	war games or maneuvers
KRIEGSWIRTSCHAFT	war economy
KUX	mining corporation share
K.Z. (abbreviation for "Konzentrationslager")	concentration camp

L

LAGER	camp
LAGERFUEHRER	camp leader
LEIHARBEITER	"loan workers". Foreign and German workers "loaned" by one employer to another.
LEITER	leader, head, chief, or manager

M

MAR (abbreviation for "Mitglied des Reichstags")	member of the German Diet
MITGLIED	member
MOB (abbreviation for "Mobilisierung")	mobilization
MONTAN (abbreviation for Montanindustrie-gesellschaft)	short name for a government-controlled holding company for armament plants operated by various private concerns
MOTO (abbreviation for Monatstonnen)	tons per month
MUTTERGESELLSCHAFT	parent company

N

NEUORDNUNG	New Order
NSDAP (abbreviation for "Nationalsozialistische Deutsche Arbeiterpartei")	National Socialist German Workers Party (Nazi Party)
NW 7 (abbreviation for "I.G. Farben NW 7")	A short name for most of I.G. Farben's Berlin offices located in Berlin NW 7.

Q

QEMAG (abbreviation for "Oesterreichische Magnesit-Aktiengesellschaft")	an Austrian corporation
o.H.G. (abbreviation for "Offene Handelsgesellschaft")	an ordinary partnership
OKH (abbreviation for "Oberkommando des Heeres")	High Command of the Army
OKL (abbreviation for "Oberkommando der Luftwaffe")	High Command of the Air Force
OKM (abbreviation for "Oberkommando der Marine")	High Command of the Navy
OKW (abbreviation for "Oberkommando der Wehrmacht")	High Command of the Armed Forces
OSTARBEITER	"eastern workers". Workers from occupied areas of the Soviet Union
OSTARBEITERABGABE	eastern workers tax

P

PAKO (abbreviation for "Patentkommission")	Patent Commission (of I.G. Farben)
PATENSCHAFT	sponsorship
Pg (abbreviation for "Parteigenosse")	member of NSDAP
PHARMA (abbreviation for "Pharmazeutika")	short designation of pharmaceutical departments, often used in connection with a number of pharmaceutical agencies of I.G. Farben
PHARMAZEUTISCHE HAUPT-KONFERENZ	Pharmaceuticals Committee (of I.G. Farben)
PLANSPIEL	map exercise, war game, or maneuver
PLANUNGSAMT	planning office
PLUNDERUNG	plunder or pillage

PRASIDIUM

presidium

PROKURIST

NOT TRANSLATED. Employee with a general power of attorney

PRUEFUNGSSTELLE CHEMIE

A government control agency for exports of chemical products, established in 1935

R

RAM (abbreviation for "Reichsarbeitsministerium")

Reich Labor Ministry

RAUB (or BERAUBUNG)

spoliation

RFM (abbreviation for "Reichsfinanzministerium")

Reich Finance Ministry

RGBl. (abbreviation for "Reichsgesetzblatt")

Reich official gazette

REICHSGRUPPE

Reich Group

REICHSKOMMISSAR

Reich commissioner (sometimes commissar)

RM (abbreviation for "Reichskriegsministerium")

Reich War Ministry

RLM (abbreviation for "Reichsluftfahrtministerium")

Reich Air Ministry

REICHSMINISTERIUM FUER RUESTUNG UND KRIEGSPRODUKTION (Speer Ministry)

Reich Ministry for Armament and War Production

REICHsstELLE CHEMIE

a government control agency for the production and distribution of chemical products (from 1934 to 1939: Ueberwachungsstelle Chemie)

REICHsstellen

special Reich agencies or offices

REICHSTAG

German Diet

REICHSVERRAND DER DEUTSCHEN INDUSTRIE	Reich Association of German Industry
RVE (abbreviation for "Reichsverband Eisen")	Reich Association Iron
RVK (abbreviation for "Reichsverband Kohle")	Reich Association Coal
REICHSWIRTSCHAFTSKAMMER	Reich Economics Chamber
RWM (abbreviation for "Reichswahrministerium" or "Reichswirtschafts- ministerium")	Reich War Ministry or Reich Economics Ministry
RWM (abbreviation for "Reichswirtschafts- ministerium")	Reich Economics Ministry
RRIKA (abbreviation for "Reichsstelle fuer Kautschuk")	Reich control office for rubber
ROGES (abbreviation for "Rohstoffhandelsge- sellschaft m.b.H.")	a short name for the central procurement agency for raw materials from occupied territories
ROHSTOFF	raw material
RUESTUNGSAMT	Armaments Office (a depart- ment in Ministry for Armaments and War Production)

S

SARIN	a poison gas developed by I.G. Farben
SATZUNG	articles of incorporation (after 1937)
SCHUTZHAFT	protective custody
SICHERUNG	securing, safeguarding
SOMAN	a poison gas developed by I.G. Farben
SPARTE	USUALLY NOT TRANSLATED. A major production division of I.G. Farben. See also "Hauptgruppe".
SPERRMARK	blocked Reichsmark
STAATSGHEIMNIS	state secret

STAATSSKRETTAR	state secretary (title of the highest permanent official of a ministry)
STAHL	steel
STAMMARTIE	common share
STEINKOHL	bituminous coal or soft coal
STELLVERTRETER	deputy
STILLHALTVEREINBARUNG	moratorium or standstill agreement
STRAFGEFANGENER	convict
STRAFLAGER	punitive camp or disciplinary camp
SYNDIKAT	syndicate

T

TABUN	a poison gas developed by I.G. Farben
TARNUNG	camouflage or concealment
TEA (abbreviation for "Technischer Ausschuss")	Technical Committee (of I.G. Farben)
TEKO (abbreviation for "Technische Kommission")	Engineering Committee (of I.G. Farben)
TOCHTERGESELLSCHAFT	subsidiary company
TREUHANDLER	trustee or custodian
TREUHANDLER DER ARBEIT	labor trustee (under Law for National Labor, 1934)

U

UBERWACHUNGSSTELLE CHEMIE	a government control agency for the production and distribution of chemical products, established in 1934 (after 1939 renamed: Reichsstelle Chemie)
UNTERNEHMEN	enterprise

Y

VERKAUFSGEMEINSCHAFT	Sales combine
VERMITTLUNGSSTELLE V	NOT TRANSLATED. Military liaison office (of I.G. Farben)
VERWERTCHEMIE	abbreviation for a DAG- controlled corporation for operating Reich-owned explosives plants
VERORDNUNG	decree or ordinance
VERTRAULICH	confidential
VERWALTUNGSRAT	OFTEN NOT TRANSLATED. The administrative council of I.G. Farben's Aufsichtsrat until 1937; otherwise an administra- tive council or board
VIERJAHRESPLAN	Four Year Plan
VLAG (abbreviation for "Vereinigte Industrie- Aktiengesellschaft")	Reich holding corporation for all government-owned industrial enterprises
VORSITZENDER, VORSITZER	chairman
VORSTAND	"managing board of directors" (often not translated since no exact American equivalent)
VORSTANDSMITGLIED	member of a Vorstand
VORZUGSAKTIE	preferred share
VOWI (abbreviation for "Volkswirtschaftliche Abteilung")	OFTEN NOT TRANSLATED. I.G. Farben's economic research department, located in Berlin NW 7

V

WASAG (abbreviation for "Westfaelisch-Anhalti- sche Sprengstoff A.G.")	a German corporation producing explosives
WEHRKREIS	military district
WEHRMACHTSGEANGENER	a soldier-prisoner (a member of the German armed forces)
WERKSCHUTZ	plant police or plant protective group

WEHRWIRTSCHAFT	military economy
WEHRWIRTSCHAFTSFUEHRER	OFTEN NOT TRANSLATED "military economy" leader"
WIPO (abbreviation for "Wirtschaftliche For- schungsgesellschaft m.b.H.")	Reich corporation for stock-piling gasoline and construction of explosives plants
WIPO (abbreviation for "Wirtschaftspolitische Abteilung")	OFTEN NOT TRANSLATED. I.G. Farben's Political- Economic Policy Depart- ment, located in Berlin NW 7
WIRTSCHAFT	economy or business
WIRTSCHAFTSGRUPPE	Economic Group
WIRTSCHAFTSGRUPPE CHEMISCHE INDUSTRIE	Economics Group Chemical Industry
WIRTSCHAFTSKAMMER	economics chamber
WIRTSCHAFTSPRUEFER	auditor

Z

Z.A. (abbreviation for "Zentralsusschuss")	Central Committee of the Vorstand (of I.G. Farben)
ZECHE	mine
ZEFI (abbreviation for "Zentral-Finanzverwal- tung")	OFTEN NOT TRANSLATED. Central Finance Admin- istration (of I.G. Farben) located in Berlin NW 7
ZENTRALBUCHHALTUNG	Central Bookkeeping Department (of I.G. Farben)
ZENTRALSTEUERABTEILUNG	Central Tax Department (of I.G. Farben)
ZENTRALE PLANUNG	Central Planning Board of the Four Year Plan
ZYKLON "B"	Cyclon "B". A fumigant, originally developed as an insecticide, later used for exterminating human beings in concentration camps.

MILITARY TRIBUNAL NO. 6

CASE NO. 6

Basic Information
Erste Einführung

in

I.G. FARBENINDUSTRIE

Vol. 2

Unterbreitet von

CHIEF OF COUNSEL FOR WAR CRIMES

Nurnberg, Germany

20. August 1947



MILITÄRGERICHTSHOF NR. 6

PROZESS Nr. 6

ERSTE EINFÜHRUNG

in die

I.G. FARBENINDUSTRIE

Band II

PRIVATE UND STAATLICHE
DIE DEUTSCHE WIRTSCHAFT BEHERRSCHENDE EINRICHTUNGEN
MIT BESONDERER BEZÜCKSICHTIGUNG DER CHEMISCHEN INDUSTRIE.

Unterbreitet vom
CHIEF OF COUNSEL FOR WAR CRIMES

Nuernberg, Deutschland,
20. August 1947



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I. Teil

Private und Halboeffentliche Institutionen.

A. Deutschland vor Hitler.

1. Industrielle Vereinigungen

Bevor Hitler im Jahre 1933 zur Macht kam, war die deutsche Industrie und Wirtschaft in einer gewaltigen Vielfalt von Handelsvereinigungen, Buenden und koordinierenden Gruppen zusammengefaegt. Drei allgemeine Typen koennen unterschieden werden: oertliche Koerperschaften der Industrie- und Handelskammern, fachliche industrielle Vereinigungen und Arbeitgeber-Verbaende.

Die oertlichen Vereinigungen waren Industrie- und Handelskammern und Gewerkekammern, die gemeindlich organisiert waren. Es waren Koerperschaften des oeffentlichen Rechts, und die Mitgliedschaft war fuer alle Geschäftsleute in dem betreffenden Gebiet Pflicht. Mitgliedsbeitraege wurden wie Steuern eingezogen, und wurden durch das zustaeendige Staatsministerium festgesetzt. Sie waren mit Bezirksvereinigungen verbunden, (die privaten Charakter hatten), und auf der nationalen Stufe existierte eine Reichsvereinigung der deutschen Industrie und des Handels. Diese Organisationen uebten politisch kaum Einfluss aus, waren aber von oertlicher Bedeutung, aehnlich den Handelskammern in Amerika.

Die fachlichen Vereinigungen waren viel maechtigen. Industrie, Handwerk, Handel, Bank- und Versicherungswesen waren alle in Reichsvereinigungen organisiert, die ihre Mitglieder aus den funktionellen Vereinigungen der betreffenden Branche zogen. Der nationale oder Spitzenverband fuer die Industrie war der Reichsverband der Deutschen Industrie oder "R.D.I." Er wurde 1919 durch den Zusammenschluss zweier aehnlicher Vereinigungen ge,ruendet, wovon die eine seit 1876 bestanden hatte. Er setzte sich aus einer grossen Zahl von Mitgliedergruppen zusammen, die nach Industriegattung organisiert waren. Einzel-Unternehmer waren auch Mitglieder des R.D.I.. Die Mitgliedergruppen ihrerseits bestanden aus kleineren Tochtergesellschaften, die sowohl oertlicher wie fachlicher

Natur waren. Die Mitgliedergruppe im R.D.I. fuer die chemische Industrie war der Verein zur Fahrung der Interessen der chemischen Industrie Deutschlands. Er bestand seit 1877. Aehnliche Gruppen bestanden fuer alle wichtigen Industrien, wie z.B. fuer Bergbau, Eisenindustrie, etc.

Diese Vereinigungen waren freiwillige Organisationen, sie wählten ihre eigenen Beamten und waren vollstaendig selbstverwaltend. Sie uebten einen gewaltigen Einfluss auf die Wirtschaftspolitik der Regierung aus und leisteten ihren Mitgliedern verschiedene Dienste in Fragen der Wirtschaftspolitik, des Importes, Exportes, in Finanz- und Reparationsfragen, etc. Sie dienten auch als Ratgeber und Ausgleichsstellen fuer die Kartelle.

2. Marktregelnde Vereinigungen.

Die oben beschriebenen industriellen Vereinigungen waren in erster Linie Druck ausuebende. Die deutsche Industrie war auch in Vereinigungen organisiert, die dazu bestimmt waren, die Markttätigkeit zu regulieren. Das verbreitetste Mittel zur Erreichung dieses Zwecks war das Kartell, eine vertragliche Vereinbarung zwischen rechtlich getrennten Unternehmungen desselben Industriegebietes, Konkurrenz zwischen einander zu regulieren oder auszuschalten. Es gab viele Arten von Kartellen mit Vereinbarungen, einschliesslich solcher Preise festzusetzen und zu regulieren, Produktionsquoten aufzuerlegen, Absatzmaerkte geographisch zu trennen, Produktion und Produktionsmethoden fuer jedes Mitglied zu bezeichnen, Kunden ausuteilen, Angebote zu kontrollieren, Verkaufsbedingungen festzusetzen und Reingewinne zusammenzulegen. Einige Kartell-Vereinbarungen sahen ausserdem die Bildung von besonderen Verkaufsgesellschaften vor, welche die Verkaufs- und Marktgeschaeft der Mitglieder regelten. Die Kaeufer konnten die gewünschten Erzeugnisse nur von den gemeinsamen Verkaufsorganisationen erhalten, Verdienste wurden gemeinsam verwaltet und an die Vertragspartner auf Grund fruherer Vereinbarungen verteilt. Diese Organisations-

form war allgemein als Syndikat bekannt.

Es hat niemals irgendeine grundsätzliche Gegenerschaft der Regierung gegen das Kartellsystem gegeben. Die allgemeinen gesetzlichen Grundsätze der Beherrschung des Handels und die Grundsätze, welche der Anti-Trust -Gesetzgebung der Vereinigten Staaten zu Grunde liegen, hatten in Deutschland kein Gegenstück. Das Anwachsen der Kartellbewegung war deshalb unbehindert möglich.

3. Veränderungen unter dem Dritten Reich

1. Industrielle Vereinigungen

Das grundlegende Gesetz über den Neu-Aufbau der deutschen Wirtschaft kam am 27. Februar 1934 heraus. Der Reichswirtschaftsminister wurde als oberster Leiter der deutschen Wirtschaft eingesetzt. Der erste Paragraph der Verordnung lautete wie folgt:

Der Reichswirtschaftsminister wird zur Vorbereitung des organischen Aufbaues der deutschen Wirtschaft ermächtigt:

1. Wirtschaftsverbände als alleinige Vertretung ihres Wirtschaftszweiges anzuerkennen;

2. Wirtschaftsverbände zu errichten, aufzulösen oder miteinander zu vereinigen;

3. Satzungen und Gesellschaftsverträge von Wirtschaftsverbänden zu ändern und zu ergänzen, insbesondere den Führergrundsatz einzuführen.

Die Veränderungen, die im Gefolge dieses Gesetzes eintraten, machten die bisher bestehenden Vereinigungen zu Zwangsorganisationen, unter der allgemeinen Führung des Reichswirtschaftsministers.

Die örtlichen Organisationen der Industrie- und Handelskammern und der Handwerkskammern wurden beibehalten. Sie wurden jedoch auf der mittleren Ebene zu Bezirkswirtschaftskammern und auf der nationalen Ebene zu einem Bund der Industrie- und Handelskammern verschmolzen. Im Wirtschaftsministerium wurde eine neue Behörde, die Reichswirtschaftskammer geschaffen, um die fachlichen und örtlichen Vereinigungen auf der obersten Ebene gleichzuschalten.

Die neuen Fachorganisationen bestanden aus:

a) Reichsgruppen

b) Wirtschaftsgruppen

c) Fachgruppen

An der Spitze standen sieben Reichsgruppen, jeweils eine fuer Industrie, Handel, Bankwesen, Versicherungen, Energiewirtschaft, Handwerk und Fremdenverkehr. Sie entsprachen den fruheren Spitzenverbanden. Die oben erwahnte R.D.I. wurde die Reichsgruppe Industrie. Sie bestand aus 31 Wirtschaftsgruppen, von der jede einen bestimmten Industriezweig vertrat. Jede dieser Gruppen war ihrerseits wieder in verschiedene Untergruppen oder in oertliche Unterabteilungen der Wirtschaftsgruppe unterteilt.

Jeder Unternehmer musste der oertlichen Kammer seines Bezirks und der sein Gewerbe vortretenden Fachgruppe angehoren. Die Wahlen der fruheren Organisationen wurden fallen gelassen und fuer die Auswahl der Beamten das Fuhrerprinzip eingefuehrt. Der Wirtschaftsminister ernannte die Vorsitzenden der Reichswirtschaftskammer und der Reichsgruppen; diese wiederum ernannten die ihnen unterstellten Fuhrer. Das Statut jeder Gruppe wurde von dem jeweiligen Leiter erlassen. Dieser war verpflichtet, seine Gruppe zu fuehren, wie es den Grundsuetzen des nationalsozialistischen Staates entsprach.

Die fruhere Vereinigung zur Fuehrung der Interessen der Deutschen Chemischen Industrie wurde zur Wirtschaftsgruppe chemische Industrie, ebenso wurden alle anderen Vereinigungen der groeeren Industrien zu Wirtschaftsgruppen ihrer Fachgebiete. Tatsaechlich bedeutete im Hinblick auf die leitenden Personenlichkeiten der Fachgruppen diese Veraenderung der Organisation wenig. Die leitenden Leute der fruheren Vereinigungen wurden vom Reichswirtschaftsminister zu gleichgestellten Beamten der neu geschaffenen Wirtschaftsgruppen ernannt. 1934 wurde eine neue Wirtschaftsgruppe Kraftstoffe geschaffen.

Die Wirtschaftsgruppen wurden sowohl in oertliche als auch in fachliche Untergruppen unterteilt. Die wichtigsten dieser Fach-

gruppen waren die fuer chemische Herstellung von Fasern, Gummi-Industrie, pharmazeutische Industrie, Mineralfarben u.s.w.

Die Wirtschaftsgruppen bestanden bis zum Ende des Krieges, obwohl sich mit der Versenderung der wirtschaftlichen Lage Deutschlands auch ihre Aufgaben beträchtlich verschoben.

.....

Sie hatten nicht die Befugnis, aus eigener Initiative gesetzgeberische Verfügungen zu erlassen, sie dienten jedoch der Regierung als bequemes Mittel, durch welches sie ihre Kontrolle über die Industrie ausübte. Andererseits hatten sie bei der Gestaltung solcher Kontrollen einen wesentlichen Einfluss auf die Regierung selbst.

(2) Marktregelnde Vereinigungen.

Während der ersten Jahre des Dritten Reiches blieben Privatkartelle weiterhin sehr einflussreich. Das Wirtschaftsministerium wurde durch einen Erlass vom 15. Juli 1933 ermächtigt, Zwangskartelle zu errichten oder Aussenstehende zu zwingen Mitgliedschaft in bereits bestehenden aufrechtzuerhalten. Die Braunkohle-Benzin A.G. (BRABAG), welche eine der wichtigsten deutschen Gesellschaften zur Erzeugung von synthetischem Benzin aus Braunkohle mit Hilfe von I.G.-Farben-Technikern und I.G.-Farben-Lizenzen war, wurde als solch ein Zwangskartell durch einen Erlass Schachts vom 28. September 1934 gegründet. Alle Besitzer von Braunkohlefeldern wurden gezwungen, je nach der Grösse ihres Besitzes an Braunkohlefeldern zum Aktienkapital der BRABAG beizusteuern.

Dieselbe gesetzliche Grundlage diente während des Krieges zur Bildung der Reichsvereinigung Kohle (RVK) und der Reichsvereinigung Eisen (RVE), welchen Regierungsfunktionen zur Regelung der Erzeugung und des Verkaufs von Kohle und Eisen verliehen wurden.

II. Teil

Wirtschaftsstellen der Regierung.

Im folgenden wird eine kurze Beschreibung der wichtigsten Regierungsstellen gegeben, die sich mit der Kontrolle der Wirtschaft im Dritten Reich beschäftigten. In dieser Darstellung bleiben eine Anzahl von Stellen unerwähnt, da sie in das gegenwärtige Verfahren nicht unmittelbar verwickelt sind.

Der Wirtschaftsaufbau des nazistischen Deutschlands war beständigen Änderungen unterworfen, da das Regime der Reihe nach den Problemen der inneren Festigung, intensiver Wiederaufrüstung und der Föhrung eines Krieges gegenüberstand. Es wurden neue Stellen geschaffen, um neuen Problemen zu begegnen und die Funktionen wechselten von einer Stelle zur anderen ueber, oft ohne klare Abgrenzungslinien.

A. Das Reichswirtschaftsministerium (RWM).

Zu Beginn des Naziregimes war das Reichswirtschaftsministerium die zentrale Regierungsstelle fuer die Bestimmung der Wirtschaftspolitik und Wirtschaftsverwaltung. Seine Bedeutung verringerte sich, nachdem Goering im Herbst 1936 zum Bevollmaechtigten fuer den Vierjahresplan ernannt worden war. Nach der Umgestaltung des Wirtschaftsministeriums durch Goering im Februar 1938, erlangte es zu einem gewissen Grade seine fruehere Stellung wieder. Waehrend des Krieges verlor es allmaehlich seinen Einfluss, diesmal an das Ministerium fuer Bewaffnung und Munition, das unter Speers Leitung stand. Schliesslich erlangte Speer im Jahre 1945 die vollstaendige Kontrolle ueber die ganze deutsche Erzeugung, wodurch das RWM

schaftsministerium nur die Kontrolle ueber die Vorraste und Verteilung der Verbrauchsgueter fuer die Zivilbevoelkerung, den Aussenhandel, die Aussenhandelspolitik und die Kontrolle von Kreditanstalten verblieben.

Der erste Wirtschaftsminister in Hitlers Kabinett war Alfred Hugenberg, Leiter der Deutsch-Nationalen Volkspartei, der im Juni 1933 sein Amt niederlegte. Sein Nachfolger war Kurt Schmitt, Generaldirektor der Allianz und Muenchener Rueckversicherungsgesellschaft, der bis zum August 1934 im Amt verblieb. Darauf wurde Hr. Hjalmar Schacht, der seit Maers 1933 Praesident der Reichsbank gewesen war, zum amtsfuehrenden Wirtschaftsminister ernannt; er trat im November 1937 zurueck. Von November 1937 bis zum Februar 1938 uebernahm Goering

das Wirtschaftsministerium, welches er am 6. Februar 1938 an Walter Funk abtrat. Funk blieb bis zum Ende des Krieges Wirtschaftsminister.

Als Funk 1938 Wirtschaftsminister wurde, wurden führende Beamte des Vierjahresplanes mit der Leitung der wichtigsten Hauptabteilungen seines Ministeriums betraut und viele Funktionen, die während der Zeit der Rivalitäten zwischen Goering und Schacht vom Amt fuer den Vierjahresplan uebernommen worden waren, wurden wieder dem Wirtschaftsministerium uebertragen. Nur fuer besondere Gebiete der Erzeugung, die fuer die Fuehrung des Krieges von besonderer Bedeutung waren, ernannte Goering Generalbevollmaechtigte, die auf ihres speziellen Gebiet die Vollmacht fuer den Vierjahresplan hatten. General von Hanneken wurde 1937 zum Generalbevollmaechtigten fuer Eisen und Kohle ernannt; Dr. Krauch wurde 1938 zum Generalbevollmaechtigen fuer Sonderaufgaben der chemischen Erzeugung berufen. Waehrend des Krieges wurden Speer und Sauckel zu Generalbevollmaechtigten fuer ihre unten beschriebenen Sondergebiete ernannt.

Die oben beschriebene Umgestaltung der industriellen Vereinigungen begann unter Schmitts Regime. Schacht fuehrte einen "Neuen Plan" ein, der dazu bestimmt war, Deutschlands Wirtschaft wiederaufzubauen und die geheime Wiederaufruestung zu foerdern. Nach Schachts Ruecktritt wurde sein "Neuer Plan" durch Goerings Vierjahresplan ersetzt, welcher Deutschland innerhalb von vier Jahren kriegsbereit und in Bezug auf die wichtigsten zur Kriegsfuehrung dienenden Materialien unabhängig machen sollte.

Die Stellen, durch welche das Wirtschaftsministerium die Rohstoffe und den Aussenhandel kontrollierte, waren die Ueberwachungsstellen. Sie wurden 1934 von Schacht in Rahmen des "Neuen Planes" geschaffen und spielten beim Organisations-

Industrie eine wichtige Rolle. Zusammen mit dem Wehrwirtschaftsstab des OKW und dem Reichswirtschaftsministerium setzten sie die Mob-Aufgaben fuer die verschiedenen Industrieunternehmen fest, nachdem die Werke alle Einzelheiten in Bezug auf ihre Produktionskapazitaet fuer die im Falle einer Mobilisation benoetigten Erzeugnisse angegeben hatten.

Auf dem Gebiete der Chemie arbeiteten die Ueberwachungsstelle Chemie und die Wirtschaftsgruppe eng zusammen und grenzten in vielen Faellen ihre Zustaendigkeit nicht ab. Dr. Ungewitter hatte eine Doppelstelle inne als Geschaeftsfuehrer der Wirtschaftsgruppe Chemische Industrie und Reichsbeauftragter in der Ueberwachungsstelle Chemie. Das Personal arbeitete in vielen Faellen fuer beide Stellen, so dass es haeufig schwierig war, zu unterscheiden, in welcher Eigenschaft es in einem gegebenen Falle taetig war.

Bei Kriegsausbruch wurden die Ueberwachungsstellen in "Reichsstellen" umgewandelt. Im Laufe der Kriegsjahre vermehrten sich die Aufgaben der Reichsstellen, die sich mit der Bewirtschaftung von Rohmaterialien befassten, betraechtlich und in spaeteren Kriegsjahren entstand erhebliche Ungeklartheit hinsichtlich der Abgrenzung der Wirtschaftsgruppen und Reichsstellen auf dem Gebiete der Rohmaterialkontrollen. Auf dem Gebiete der Chemie wurden diese Schwierigkeiten jedoch durch die Personalunion vermindert, welche in der Fuehrung der Wirtschaftsgruppe und der Reichsstelle durch Dr. Ungewitter und seiner leitenden Mitarbeiter bestand.

Nach 1943 wurden innerhalb der Organisation des Wirtschaftsministeriums alle Fragen der chemischen Industrie und des Mineraloels von der Abteilung Chemie, unter der Leitung von Ministerialrat Dr. Droecke und spaeter Geheimrat Dr. Kuglarz, geleitet. Im Jahre 1938 uibernahm Dr. Muert, der inzwischen zum Ministerialdirektoren geworden war, wieder die Leitung der Abteilung Chemie und ein Jahr spaeter wurde Dr. E. A. Fischer, ein ehemaliger I.G.-Farben-Direktor, die Leitung der Abteilung fuer Mineraloel von 1939 bis 1945 uibernommen. In den Jahren 1934 waren alle Fragen der Ruestungswirtschaft in der Ruestungsabteilung unter der Leitung von Ministerialrat Dr. Droecke, der

mengefasst. Unter ihm war Ministerialrat Dr. Lenz mit der Leitung des Chemischen Sektors fuer Ruestungswirtschaft beauftragt.

B. Das Amt des Vierjahresplanes.

Im Verfolge von Hitler's Bekanntmachung des Vierjahresplanes

auf dem Reichsparteitag am 9. September 1936, wurde Goering mit seiner Verwirklichung beauftragt, und er erhielt weitgehende Befugnisse allen Regierungs- und Parteidienststellen Befehle zu erteilen. Auf diese Weise wurde ein "Oberministerium" fuer die Wirtschaft geschaffen.

Goering schuf sechs Geschaeftsgruppen um alle mit dem Wiederauf-ruestungsprogramm zusammenhaengende Fragen gleichzuschalten: 1.) fuer die Produktion von Roh- und Werkstoffen, 2.) fuer die Verteilung der Rohstoffe, 3) fuer den Arbeitseinsatz, 4) fuer die landwirt-schaftliche Erzeugung, 5) fuer die Preisbildung und 6) fuer De-visen. Diese Geschaeftsgruppen setzten sich aus einigen ausgewahl-ten Fachleuten aus jenen Dienststellen zusammen, die sich schon vor der Schaffung des Vierjahresplanes mit diesen Fragen beschaef-tigt hatten. Diese Beamten verblieben zwar in ihren bisherigen Dienststellen, wurden jedoch mit der Vollmacht ausgestattet, die Goering durch den Erlass Hitlers bezueglich des Vierjahresplanes erhalten hatte. Die erste Geschaeftsgruppe fuer die Produktion von Roh- und Werkstoffen die man "Amt fuer deutsche Roh- und Werk-stoffe", nannte, stand unter Oberst Loeb. Im Jahre 1938 wurde die-se Dienststelle im Zuge der Umorganisation des Amtes fuer den Vierjahresplan dem Reichswirtschaftsministerium angeschlossen und erhielt den neuen Namen "Reichsstelle fuer Wirtschaftsaufbau" unter Oberstlt. Zelnatis und von 1942 an unter Prof. Krauch. Seit Ausbruch des Krieges war die offizielle Bezeichnung dieser Organisation nicht mehr "Reichsstelle" sondern "Reichsamt fuer Wirtschaftsaufbau".

Da die Dienststelle fuer den Vierjahresplan sich aus Vertretern verschiedener anderer Regierungsstellen zusammen-setzte, die ihre Arbeit mit ihren Regierungsamtern beibehiel-ten, war es notwendig, einen zentralen Koordinierungsausschuss, dem die fuehrenden Maenner des Vierjahresplanes angehooerten, ins Leben zu rufen. Der Generalrat des Vierjahresplanes trat gewoehn-lich einmal woechentlich unter dem Vorsitz Goerings selbst oder

des Staatssekretärs Koerner zusammen. Alle Generalbevollmächtigten des Vierjahresplanes und alle Leiter der Geschäftsgruppen waren bei diesen regelmässigen Zusammenkünften zugegen.

Mit Beginn des Krieges wurden die Zwischenräume zwischen den Sitzungen immer grösser, und mit dem schwindenden Einfluss Goerings auf wirtschaftlichen Gebiet verlor der Generalrat des Vierjahresplans nach 1941 seine Bedeutung.

Nach 1942, als Goering jede Tätigkeit auf dem Gebiet des Vierjahresplans aufgegeben hatte, waren die Generalbevollmächtigten wie Krauch, Speer und Sauckel praktisch auf ihren Gebieten unabhängig, da ihr theoretischer Vorgesetzter, Goering, seine Stellung als Beauftragter fuer den Vierjahresplan nicht mehr aktiv ausübte.

C. Zentrale Planung.

Die zentrale Planung wurde 1942 durch Goering als oberste Ausgleichsbehörde fuer die deutsche Kriegsanstrengung geschaffen. Sie war offiziell eine Behörde des Vierjahresplans; fuer alle praktischen Zwecke war sie jedoch das Instrument, durch welches Speer 1942 und 1945 die gesamte deutsche Kriegsanstrengung leitete.

Die zentrale Planung bestand aus drei Mitgliedern: Speer, Milch und Koerner. Jeder hatte die gleiche Befehlsgewalt, obwohl Speer die Beratungen beherrschte. Die Hauptaufgabe der zentralen Planung war die Verteilung und den Einsatz von den fuer die Kriegsfuehrung benötigten Rohstoffen zu planen, sowie die Verteilung von Arbeitskräften auf die Hauptgebiete der Kriegswirtschaft. Im September 1943 wurde Funk, der Reichswirtschaftsminister, zum vierten Mitglied der zentralen Planung ernannt. Sauckel trat häufig vor der zentralen Planung auf, wenn Arbeitsfragen besprochen wurden, wie es alle bedeutenden Regierungs- und Industrie-Stellen taten, die mit dem Arbeitseinsatz zu tun hatten.

D. Das Speer-Ministerium.

Das Ministerium fuer Bewaffnung und Munition wurde im Maerz 1940 geschaffen und sein erster Chef war Dr. Fritz Todt, der Gruender der "Organisation Todt". Aufgabe des Ministeriums war es,

die T tigkeit aller Beh rden und Privatunternehmen, die mit
der Fabrikation von Waffen zu tun hatten, gleichzuschalten
und die Kriegsproduktion vom technischen Standpunkt aus zu
verbessern. Dr. Todt entwickelte

das Ministerium nicht zu einer wohlgefügten Organisation, wenn er auch einen bedeutsamen Anfang in der Richtung der Kontrolle privater Unternehmungen, die sich mit Waffenerzeugungen befassten, machte. Er schuf eine Reihe von Verwaltungskörpern, die mit Vertretern in der Industrie selbst besetzt waren, fuer den Zweck der gemeinsamen Nutzung von Erfahrungen auf dem Gebiete der Erstellung und von technischen Entwicklungen. Im Februar 1942 starb Todt und Albert Speer wurde sein Nachfolger, ein Mann von grosser Aktivitaet und Energie und bedeutenden organisatorischen Talents.

Unter der Leitung Speers wurde das Ministerium der wichtigste Einzelfaktor, der die industrielle Erzeugung fuer die Kriegsfuehrung beeinflusste. Kurz nach Todts Tod wurde Speer zum Generalbevollmaechtigten fuer Ruestungsaufgaben innerhalb des Vierjahresplanes ernannt. Von diesem Zeitpunkt an uebernahm das Speer-Ministerium nach und nach verschiedenartige Aufgaben, die frueher von anderen Behoerden einschliesslich des Wirtschaftsministeriums, der Wehrmacht und der Luftwaffe durchgefuehrt worden waren. Im September 1943 fuehrte diese Erweiterung des Machtkreises zu einer Reorganisation des Ministeriums und zur Aenderung seines Namens in Ministerium fuer Ruestung und Kriegsproduktion.

Speer entwickelte das von Todt begonnene System der Verwendung von Vertretern der Ruestungsindustrie weiter in das System der Selbstverantwortlichkeit der Industrie. Er setzte Hauptausschuesse und Ringe ein, die durchwegs mit Leuten aus der Privatindustrie besetzt waren. Die Hauptausschuesse waren Ausschuesse von Technikern, die sich mit der Erzeugung und den Erzeugungsmethoden bei einem Endprodukt befassten. Die Ringe waren aehnliche Ausschuesse, die mit der Erzeugung eines Teiles, der in der Erzeugung von mehreren anderen Endprodukten verwendet wurde, befasst waren. Ein Hauptausschuss war beispielsweise fuer die Erzeugung von Tanks eingesetzt; ein Ring fuer die Erzeugung von Kugellagern. Die fuer uns wichtigsten Abteilungen im Ministerium Speer waren:

1. Das Planungsamt, an dessen Spitze Hans Kehr1 stand, das fuer die umfassende Planung in allen Dingen der Erzeugung und Verteidigung zustaeendig war. Das Planungsamt fungierte nicht nur als Organ des

Speer-Ministeriums, sondern auch als das ausführende der Zentralen Planung.

2) Das Rohstoffamt, an dessen Spitze ebenfalls Kehrl stand, war fuer die Produktion grundlegender Rohmaterialien, mit der Ausnahme von Eisen und Stahl, zustaeendig. Ihm unterstanden die Reichvereinigung Kohle (RVK), der Hauptring Metall, die Wirtschaftsgruppe Chemische Industrie und andere Reichsvereinigungen und Wirtschaftsgruppen auf dem Gebiete der Rohstoffherzeugung.

3) Das Ruestungslieferungsamt, an dessen Spitze Dr. Schieber stand, war fuer die Erzeugung von Eisen und Stahl und anderer fuer die Waffenerzeugung notwendiger Halbfertigprodukte zustaeendig. Ihm unterstanden die Reichsvereinigung Eisen (RVE) und die mit der Erzeugung von Metallzwischenprodukten befassten Hauptringe.

4) Ruestungsamt. Das Ruestungsamt, das fuer die Enderzeugung von Waffen und Munition verantwortlich war. Dieses Amt war urspruenglich ein Organ des O.K.W. und wurde Wirtschaftsruestungsamt (Wi-Rue-Amt) genannt. Solange es ein Teil des O.K.W. war, stand General Thomas an seiner Spitze und Thomas verblieb auch der Leiter nachdem es im Mai 1942 dem Speer-Ministerium angegliedert wurde. Auf Thomas folgte im Jahre 1943 Generalleutnant Kurt Waeger.

Das Ruestungsamt des Speer-Ministeriums ueberwachte die Bezirks-Organisationen, die urspruenglich von den Heereswaffenaeu-tern eingesetzt worden waren. Diese Bezirks-Organisationen bestanden aus Ruestungsinspektoraten und Ruestungskommandos, die waehrend des ganzen Krieges mit Militaerpersonen besetzt waren.

E. Das Reichsarbeitsministerium (LAW)

An der Spitze des Reichsarbeitsministeriums stand Franz Seldte vom 30. Januar 1933 bis zum Kriegsende. Urspruenglich war es die Spitzenbehoerde fuer alle Arbeitsfragen. Im Jahre 1936 wurde die Zustaeendigkeit fuer Verteilung und Beschaffung von Arbeitskraefte an den Vierjahresplan uebertragen. Hier unterstanden diese Aufgaben Dr. Mansfeld und Dr. Syrup. Die Beschaffung von Arbeitskraefte aus den besetzten Gebieten

wurde von diesem Amte fuer den Arbeitseinsatz begonnen. Es bediente sich der niedrigeren Stufen des Reichsarbeitsministeriums fuer die Verteilung dieser Arbeitskraefte.

Die niedrigeren Stufen des Reichsarbeitsministeriums waren die Landesarbeitsaemter und die Arbeitsaemter. Ein Gesetz vom Mai 1933 hatte fuer Lohnfragen und solche der Arbeitsbedingungen die Einrichtung der Reichstreuhander der Arbeit geschaffen. Im Jahre 1943 wurden die Reichstreuhander der Arbeit mit den Landesarbeitsaemtern zu Gauarbeitsaemtern zusammengelegt.

F. Der Generalbevollmaechtigte fuer den Arbeitseinsatz.

Das Arbeitseinsatzamt des Vierjahresplanes beschaffte nicht genugend Arbeitskraefte aus den besetzten Gebieten. Infolgedessen bestellte Hitler im Februar 1942 Fritz Sauckel, den Gauleiter von Thueringen, zum Generalbevollmaechtigten fuer den Arbeitseinsatz. Goering loeste hierauf sein eigenes Arbeitsbeschaffungsamt auf und bestellte Sauckel auch zum Generalbevollmaechtigten fuer den Arbeitseinsatz innerhalb des Vierjahresplanes. Um Sauckel mit Vollzugsorganen zu versorgen, wurden die Hauptabteilungen III, deren Leiter Dr. Kimmich war; VI, deren Leiter Dr. Timm war (urspruenglich Abteilung V mit Dr. Reissiegel als Leiter) und IX, deren Leiter Professor Jung war, all dies Abteilungen des Reichsarbeitsministeriums und die niedrigeren Stufen des Ministeriums, naemlich die Landesarbeitsaemter und Arbeitsaemter, die zusammen die Arbeitseinsatzverwaltung bildeten, an Sauckel uebertragen. Sauckel hatte auch seine besonderen Vertreter in allen besetzten Gebieten und in den Gebieten der Vasallenstaaten.

III. Teil

Wehrwirtschaftliche Behoerden der Wehrmacht.

Im Jahre 1927 bildete das Heereswaffenamt einen eigenen Wirtschaftsstab (WStb) mit Aussenstellen, Wehrwirtschafts-Offizieren und Wehrkreiskommandos fuer allgemeine Fragen der Wehrwirtschaft.

Nach Hitlers Machtuebernahme schuf die Luftwaffe, der neue Zweig der Wehrmacht, ihr eigenes Waffenamt und kurz darauf schuf auch die Flotte ihr eigenes Waffenamt, sodass die alte Organisation im Heereswaffenamt, nur eine von den dreien mit Ruestungsfragen befassten Behoerden wurde.

Am 1. November 1934, wurde eine Zentralbehoerde fuer das "Wehrwirtschafts- und Waffenwesen" geschaffen. Diese Zentralbehoerde hatte jedoch keine Befehlsgewalt ueber die Waffenaemter der verschiedenen Teile der Wehrmacht. Oberst Georg Thomas, der fruhere Stabschef des Heereswaffenamtes wurde zum Chef dieser neuen Behoerde bestellt. In Oktober 1935 wurde die Behoerde zum Wehrwirtschaftsstab (WwSt) umtaufelt; am 1. April 1935 wurden die sogenannten Wehrwirtschaftsinspektionen geschaffen und die fruheren Wehrwirtschaftsoffiziere wurden diesen neuen Inspektoraten einverleibt. Der Wehrwirtschaftsstab, der im November 1939 umbenannt wurde und nun Wirtschaftsruestungsamt (WiRust Amt) hiess, war mit der grundlegenden Planung auf dem Gebiete des Ruestungswesen fuer alle Teile der deutschen Armee betraut. Nicht fruher, als nach den ersten Fehlschlaegen der deutschen Wehrmacht in Russland, als Hitler sein Vertrauen in die Generale verlor, uebernahmen die Zivilbehoerden nach und nach die Funktionen, die bis zu dieser Zeit ausschliesslich den Militaerbehoerden anvertraut waren. Im Jahre 1942 wurde das Ruestungsamt, der wichtigste Teil des Wirtschaftsruestungsamtes, in Speers Ministerium (siehe oben Seite 14) verlegt und die Funktionen des

Wirtschaftsamt, das später umbenannt wurde und "Feld-
wirtschaftsamt" hiess, sehr stark eingeschränkt.

Ich, Hans Lamm, B. 263733 bestätige hiermit, dass ich
durchaus vertraut mit der englischen und deutschen Sprache bin,
und dass das Vorstehende eine wahrheitsgemäße und richtige
Übersetzung des Dokuments "Erste Einführung der I.G. Farben-
industrie".

26. August 1947

Hans Lamm
B 263733

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MILITARY TRIBUNALS

Case No. 6

THE UNITED STATES OF AMERICA

-against-

CARL KRAUCH, et al., Defendants

OPENING STATEMENT FOR

THE UNITED STATES OF AMERICA

MURKIN
27 August 1947

OF COUNSEL:

James Heath

Benvenuto von Halle,
Arthur T. Cooper,
Peter Miller, and
Otto Verber,
INTERROGATORS

Hans Wolffsohn,
William Acton,
Elinor Anspacher,
Sanda Apotekar,
Henry Birnbaum,
John Bell,
Alfred Elbeu,
Esther Glasman,
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Long

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INTRODUCTION

The grave charges in this case have not been laid before the Tribunal casually or unreflectingly. The indictment accuses these men of major responsibility for visiting upon mankind the most searing and catastrophic war in human history. It accuses them of wholesale enslavement, plunder, and murder. These are terrible charges; no man should underwrite them frivolously or vengefully, or without deep and humble awareness of the responsibility which he thereby shoulders. There is no laughter in this case; neither is there any hate.

The world around us bears not the slightest resemblance to the Elysian Fields. The face of this continent is hideously scarred and its voice is a bitter snarl; everywhere man's works lie in ruins, and the standard of human existence is purgatorial. The first half of this century has been a black era; most of its years have been years of war, or of open menace, or of painful aftermath. He who seeks today to witness oppression, violence, or warfare need not choose his direction too carefully nor travel very far. Shall it be said, then, that all of us, including these defendants, are but the children of a poisoned span? Does the guilt for the wrath and torment of these times defy apportionment?

It is all too easy thus to settle back with a philosophic shrug or a weary sigh. Resignation and detachment may be inviting, but they are a fatal abdication. God gave us this earth to be cultivated as a garden, not to be turned into a stinking pile of rubble and refuse. If the times be out of joint, that is not to be accepted as a divine scourge, or the working of an inscrutable fate which men are powerless to affect. At the root of these troubles are human failings, and they are only to be overcome by purifying the soul and exerting the mind and body.

This case, like any criminal proceeding, finds its justification only as part of this process of redemption and reconstruction. We have been told from the Mountain to judge not, that we be not judged, and we will do well to reflect upon and seek to comprehend this profound prohibition. It is at once the touchstone of the judicial process, and the core of this particular and fateful proceeding.

This solemn injunction, far from being a bar to the jurisdiction of the Tribunal, is its foundation. It reminds the individual of his own frailty and fallibility. It is not for any man to pierce the veil and divine the great absolutes. The judge must not judge in his own name nor uninstructed; he judges under laws derived from revered scriptures and the wisdom of the ages, and declared or commonly accepted as binding by the community, large or small, whose agent and servant he is. That is why the judicial robe is a garment of humility, not of pride.

But this mandate is not for judges only; it is universal. It warns man not to set himself up as better than his fellows, and not to impose his personal notions of good and evil on his neighbours. It is an exhortation against arrogance, presumption, and vanity. It is the divine ordinance of rights and duties among men. From it are derived all the great proclamations of human dignity in modern times, and on it are bottomed the very principles of law under which these defendants are to be tried.

The crimes with which these men are charged were not committed in rage, or under the stress of sudden temptation; they were not the slips or lapses of otherwise well-ordered men. One does not build a stupendous war machine in a fit of passion, nor an Auschwitz factory during a passing spasm of brutality. What these men did was done with the utmost deliberation and would, I venture to surmise, be repeated if the opportunity should recur. There will be no mistaking the ruthless purposefulness with which the defendants embarked upon their course of conduct.

That purpose was to turn the German nation into a military machine and build it into an engine of destruction so terrifyingly formidable that Germany could, by brutal threats and if necessary by war, impose her will and her dominion on Europe and, later, on other nations beyond the seas. In this arrogant and supremely criminal adventure, the defendants were eager and leading participants. They joined in stamping out the flame of liberty, and in subjecting the German people to the monstrous, grinding tyranny of the Third Reich, whose hellish purpose it was to brutalize the entire nation and fill the people with hate. They marshalled their imperial resources and focussed their formidable talents to forge the weapons and other

implements of conquest which spread the German terror. They were the warp and woof of the dark mantle of death that settled over Europe.

The defendants will, no doubt, tell us that they were merely overzealous, and possibly misguided, patriots. We will hear it said that all they planned to do was what any patriotic businessman would have done under similar circumstances. The German Wehrmacht was weak; they halpted to make it strong. They were responsible for the management of a vast industry of international scope, and a strong Germany would help to make their enterprise more profitable. As for the carnage of war and the slaughter of innocents, these were the regrettable deeds of Hitler and the Nazis, to whose dictatorship they, too, were subject. What has happened is indeed most unfortunate, they will admit, but we will be assured that there was nothing that any of them could possibly have done about it.

However plausible, this is not the truth. These are men who stopped at nothing. They were the magicians who made the fantasies of "Mein Kampf" come true. They were the guardians of the state secrets of the Third Reich. They were the master builders of the Wehrmacht; they and very few others knew just how many airplane and truck tires and tank treads were being built from Farben burn rubber and just how large the stock pile of explosives was. They knew every detail of the intricate and enormous engine of warfare, and watched its growth with an architect's pride. They knew that the engine was going to be used, and they planned to use it themselves. Europe was dotted with mines and factories which they coveted, and for each step in the march of conquest there was a program of industrial plunder which was put into prompt and ruthless execution. These are the men who made war possible, and they did it because they wanted to conquer.

Did they plan an easy yoke for the peoples they were determined to subject? Were they benevolent despots under whose sway the humanities would flourish? Can we hear any note of idealism cut through the din and clangor of war? In 1940, the defendants were planning the construction of their fourth plant for the manufacture of synthetic rubber, the output of which would be vitally necessary if the war was to be long continued. They decided to build it in eastern Europe, and the

defendant Ambros went prospecting for a suitable location. In conquered Poland, Ambros was shown a town where one of Himmler's largest concentration camps had just been built. The town was Oswiecim, known to the Germans as Auschwitz. Ambros found the site otherwise suitable, and was particularly interested in the possibility of using the concentration camp inmates to erect the plant, all of which was reported to the other defendants. They agreed, and construction of the Farben Auschwitz plant was promptly undertaken. What happened at Auschwitz during those years will later be set forth in some detail. Himmler, for a price, furnished the defendants with the miserable inmates of his camp, who starved and died to build the Buna factory. It is a revolting story of brutality and murder. But this foul scheme was part of the standard pattern of the Third Reich, and it found great favour with the defendants. In 1943 a fifth Buna plant was projected, and the defendant Krauch wrote to Heinrich Himmler;

I was particularly pleased to hear that.....you hinted that you may possibly aid the expansion of another synthetic factory, which I consider absolutely essential for securing rubber supplies, in a similar way as was done at Auschwitz, by making available inmates of your camps if necessary. I have also written to Minister Speer to this effect and would be grateful if you would continue sponsoring and aiding us in this matter.

These words might have been written by any of the defendants. It is a letter of unmitigated presumption and unbounded scorn for the laws of God and man. These men dared to judge. They judged themselves alone as fit to sway the destiny of the world. They judged themselves entitled to subjugate and to command. They judged the Jew, the Pole and the Russian to be untouchable. All their judgments sprang from a bottomless vanity and an insatiable ambition which exalted their own power as the supreme and only good. They rendered and executed those arrogant pronouncements with whip and sword. There is hardly a country in Europe that escaped the carnage which these men loosed, and the day will surely come when their own countrymen will fully grasp what a catastrophic abomination they worked for Germany. It is no act of vengeance, but an inescapable and solemn duty, to test the conduct of these men by the laws and commandments which they dared to disavow.

HISTORY AND ORGANIZATION OF
I. G. FARBER INDUSTRIES

I do not want to burden the Tribunal with tedious exposition, but we are concerned here with 23 individuals who occupied key positions in a mammoth and intricate industrial establishment. In order to understand this case, it is necessary to gain a general knowledge of the history and structure of the Farben Empire, and of how several defendants fitted into the organization.

A. Historical Background

About the time of the War between the States in America, and during the period when Bismarck was effecting the unification of Germany, a number of enterprises grew up in western Germany, particularly in the Rhine Valley, for the manufacture of synthetic dyes and a few basic chemicals. These concerns grew rapidly with the progress of science, and to meet the needs of modern industrial economy for chemical products. Very soon numerous other synthetic products were discovered. The traditional German ability in scientific research and technique made itself abundantly apparent as these firms prospered. Bismarck, among others, was quick to grasp the tremendous implications of chemistry in the modern world, and the German government did much to foster chemical research and the expansion of chemical facilities. The result was that the German chemical industry, particularly in the manufacture of dyes and in chemical research, far outstripped its rivals in other countries. The Alien Property Custodian of the United States, in his report in 1919 on the chemical industry, declared that: ¹

The German chemical industry, which had so thoroughly penetrated and permeated our own, was gigantic, perhaps the strongest, and certainly the most remunerative of all Teutonic industries.....

From about the middle of the nineteenth century, the practical application of chemical science began to occupy the attention of a constantly increasing number of the best scientific and industrial minds of Germany. A combination of natural advantages and national characteristics led to rapid advance.....

These advantages were made use of to an extent nowhere else approached, because from a comparatively early date the importance of research work to practical industry was firmly grasped by both

1. Report of U. S. Alien Property Custodian (1919), pp. 25-26

the industrial and governmental ruling classes. The alliance of the manufacturer and the university professor became constantly closer and more complete. To meet the needs pointed out by the industrial leaders, armies of plodding, but nevertheless skillful, chemists completed hundreds of thousands of separate researches. The results of these kept the German chemical manufacturers constantly in the van — always somewhat ahead of their competitors in other countries in the way of new processes and products.

The technical complexity of the synthetic dye industry particularly the inevitable production of numerous by-products for which some practical use was always being sought, led to an impressive flowering of chemical research, and to expansion of these industries into other commercial fields. Medicines and fertilizers were developed along with dyes. In its origins the business was peaceful enough; it furnished working materials to the peasant and weaver, and the stock-in-trade of the druggist.

At about the end of the nineteenth century, a strong tendency developed for the several big German chemical firms to come together in pooling arrangements or cartels, for the purpose of controlling market and price conditions and to protect their joint interests in the export trade. The principal spokesman for this policy was the famous Carl Duisberg, one of the founders of I. G. Farben, who at that time was the head of the large Bayer firm at Leverkusen. In 1904, Duisberg urged that the entire German chemical industry should be brought together in a cartel, stating that:

The now existing domination of the German chemical industry, especially the dye industry, over the rest of the world would then, in my opinion, be assured.

In 1904, Duisberg succeeded in laying the first foundation stones of the massive chemical empire, the "State within a State", which we now know as I. G. Farben. Duisberg's firm joined forces with the equally powerful Badische Anilin & Soda Fabrik, of Ludwigshafen, which was headed by the brilliant and resourceful Carl Bosch. In order to strengthen their position with respect to other German chemical firms, a fifty-year contract was concluded pursuant to which their two firms, and a third important Berlin chemical firm known as Agfa, pooled their net profits. At about the same time, three other important chemical concerns located in and

near Frankfurt-am-Main, effected a close combination between 1904 and 1915, these two separate groups entered into mutual agreements regulating competition in various parts of the dyestuff and other chemical fields. These efforts constituted the first stage in the development of I. G. Farben and laid the groundwork for closer relations between the groups in the future. By virtue of agreements eliminating internal competition and pooling experience and resources, the two groups immediately achieved a predominant position in the organic dyestuff and pharmaceutical and chemical industries of the world.

The first World War precipitated the carrying of this process of concentration to its logical conclusion. In 1916, the six companies of the two original groups came together with two additional chemical firms, one of which was directed by the father of the defendant Ter Meer. This enormous cartel was known as the Interessengemeinschaft der Deutschen Teerfarbenindustrie, meaning the "community of interests" of the German industry for the manufacture of tar-coal dyes. All the firms in the group, which became known simply as "I. G.", agreed to share their profits in fixed proportions. Although I. G. Farben did not become a legal corporate entity until 1925, for all practical purposes it became a unified industrial empire in 1916.

The complete domination of the German chemical industry by the I.G. was almost matched by the preeminence which it achieved abroad. The I.G.'s leading position in the world's chemical markets was achieved and maintained in part by the acknowledged ability and industry of the German chemists, and in part by ruthless competitive tactics. The story of Farben's foreign activities before and during the first World War, and of its strenuous efforts to maintain world leadership despite the British blockade, is fascinating and illuminating. The German submarine "Deutschland", on its two trips to the United States during the war, carried chiefly dye stuffs and dye ingredients. But we have no occasion at this time to rehearse these circumstances, other than to note that the revelations of the Alien Property Custodian in 1919 conclusively revealed the existence of a carefully directed German chemical policy directed to world domination of the organic chemical industry, which hampered the military resources

of Germany.¹ It was abundantly shown that German chemical policy was designed to prevent the emergence of strong organic chemical industries in other countries.²

What is vitally important to understanding the sequence of events, is that during this period when the I. G. was developing and German chemical leadership was most apparent, the chemical industry became increasingly important for war purposes. Nitrates were an essential ingredient in the manufacture of explosives, and for many years the principal source of nitrates had been Chilean saltpetre. German explosives manufacturers had perceived, as early as the turn of the century, the danger that in a future war Germany might be cut off from the Chilean nitrate supply, and thus from the most important material for the manufacture of munitions. Research was begun, and in 1913, Fritz Haber discovered a method of deriving nitrogen from the air. Carl Bosch, using Haber's discovery, immediately developed an engineering process for the production of synthetic nitrates, and his firm (Badische) started the manufacture of explosives, utilizing these synthetic nitrates which enabled Germany to become independent of the Chilean supply. The critical importance of the Haber-Bosch nitrogen fixation process to the German military machine during the first World War can not be overstated. Carl Duisenberg, in his memoirs, reveals, that:

..... the German gun-powder and explosives industry..... lacked the raw material vitally essential for gun-powder and explosives; the saltpetre which was only to be obtained from abroad. Already by the autumn of 1914 there was not a pound of it left. The industry had thus to depend entirely on the resources of chemistry and agriculture. But even these supplies lasted only until the middle of 1915, then we had reached the very end; then we were finally lost. Then we, the German chemists, set to work and staked all we had on averting this premature collapse. In a race against the terrible machinery of war, Haber and Bosch succeeded in producing saltpetre synthetically.

The second noteworthy contribution of the German chemical industry to the science of warfare was, of course, poison gas. A weirdly prophetic book, written in 1921, contains an exhaustive and searching analysis of the

1. Cf. *The Riddle of the Rhine* (1921), by Victor LeFebvre, p. 183.
2. *Report of U.S. Alien Property Custodian* (1919), pp. 30-37.

almost overwhelming headstart and advantage enjoyed by the Germans in the use of this weapon during the first world war.¹ Chlorine, phosgene, and later mustard gas were developed by I. G. chemists and produced in I. G. factories. The resultant shock to world opinion aroused, for the first time, some general public realization of the enormous strategic importance of the chemical industry. It was no accident that, in 1916, when General Ludendorff asked two out-standing leaders of German industry to "join his train" to discuss war production, the two men invited were Gustav Krupp von Bohlen and Carl Duisberg.² And President Wilson, in his message to the United States Congress in 1919, pointed out that:³

Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs, on the one hand, and of explosives and poisonous gases, on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again, a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.

B. The Creation of I. G. Farbenindustrie Aktiengesellschaft (1925-26)

Germany lost the first World War, but the I. G. emerged bigger and more powerful than ever within Germany. Now it had large new capital investments which the German government had financed during the war, and the I. G. leaders soon laid plans to re-enter the world market and re-assert their leading position in the chemical field. On the other hand, the necessities of war had brought about a rapid development of the chemical industries in England, the United States, and elsewhere, and I. G.'s overseas situation was certainly not as dominant as before.

1. The Riddle of the Rhine (1921), by Victor Lefebvre, Liaison Officer between Britain and the other Allies on chemical warfare and kindred questions.
2. Ludendorff's Own Story, by Erich von Ludendorff, vol. I, p. 326.
3. Message of the President of the United States, communicated to the two Houses of the Congress at the beginning of the first session of the 66th Congress, 1919, p. 8.

the war. International competition was stiffening, and the German chemical lords decided to tighten their own ranks.

In 1925, an agreement was finally reached for a merger of all the eight firms which comprised the "Interessengemeinschaft". Carl Bosch's firm (Badische) changed its name to "I. G. Farbenindustrie Aktiengesellschaft", and moved its main offices to Frankfurt. As is set forth in Appendix B of the indictment, five other firms which had previously been members of the cartel merged with I. G. Farbenindustrie, and thereby created a massive single corporation. The two remaining members of the cartel were not formally merged at that time, but over 90% of the stock of each of them was owned by Farben. The *Hand-Book of German Joint Stock Companies* laconically but eloquently states that the eight original "parent" firms voluntarily renounced their individuality for the greater purpose of the future tasks of the German chemical industry.¹ Carl Duisberg was named chairman of the Aufsichtsrat of Farben, and Carl Bosch chairman of the Vorstand.

The year 1926 witnessed the cementing of a very close and special connection between Farben and the German explosives industry. The two principal manufacturers of explosives in Germany during the first World War were the well known firms of Dynamit-Nobel (known as D&G) and Kohn-Rottweil. They had had close relations with the Farben syndicate during the war, inasmuch as Carl Bosch's firm furnished the synthetic nitrates which were necessary to the manufacture of explosives. After the war, the explosives companies fell upon lean years, and Kohn-Rottweil sold its gunpowder plants to D&G.

In 1926, Farben and D&G entered into an agreement which bound the explosives company to Farben body and soul. D&G retained its separate corporate character, but was subject to the direction of Farben, and Farben guaranteed dividends on the shares of D&G. The president of D&G was Paul Muller, who was a brother-in-law of the defendant Schnitz, a member of the Aufsichtsrat of Farben, and a frequent attendant at meetings of important Farben management committees. The defendants

1. Article on I. G. Farben in the *Handbuch der Deutschen Aktiengesellschaften*, 1938 edition, vol. IV, p. 5266.

Schmitz and Gajewski were on the Aufsichtsrat of DAG. From 1926 on, DAG was, in practical effect, a part of Farben's chemical empire, and by the time the Nazis came to power in 1933, Farben exercised a dominant role in ammunition and explosives production.

C. The Structure of I. G. Farben

Thus arose the enormous and intricate industrial complex of I. G. Farben, the broad outlines of which are portrayed in the chart on the wall of the courtroom. It will be seen that the overall supervision and management of Farben was in the hands of two boards, known respectively as the Aufsichtsrat and the Vorstand. Below them the two principal groups were the Technical and Commercial Committees. Production was organized both functionally, in the three "Sparten", and geographically, in the three "Works Combines", shown below the Technical Committee. On the commercial side, the sales of various groups of products were directed principally by the four "Sales Combines". Coordination between technical and commercial matters was achieved, not only through the Vorstand, but at a lower level in the three "Mixed Committees". A number of other departments and committees, shown at the right of the chart, dealt with various specialties such as law and patents, intelligence and propaganda.

1. Aufsichtsrat and Vorstand

Under German corporate law, all joint stock companies are governed by an Aufsichtsrat and a Vorstand. When I. G. Farbenindustrie Aktiengesellschaft was created in 1925, the Aufsichtsrat members and most of the Vorstand members of all the parent companies became members of the Farben Aufsichtsrat and Vorstand respectively.

Generally speaking, the duty of the Aufsichtsrat is to supervise the overall management of the company, whereas the day-to-day direction is in the hands of the Vorstand. The functions of the Farben Aufsichtsrat were, on the whole, rather perfunctory; it met three or four times a year to receive a report from the Vorstand, and on paper was responsible for selecting the members of the Vorstand. But the views of the Vorstand as to its own membership were generally followed by the Aufsichtsrat, and we know of no important case where the Aufsichtsrat opposed Vorstand

policies or took much independent initiative.

Membership in the Aufsichtsrat, accordingly, became chiefly honorary, but individual members right, by virtue of their own stature and prestige, exercise great influence. The chairmanship of the Aufsichtsrat was invariably held by one of the great figures in the history of Farben. Carl Duisberg was chairman from the birth of Farben in 1926 until his death in 1935. He was succeeded by Carl Bosch, another towering personality and famous technician, who had been chairman of the Vorstand, and who remained as chairman of the Aufsichtsrat until his death in 1940.

From 1940 until the German collapse, the defendant Carl Krauch, who previously had been a leading member of the Vorstand, was chairman of the Aufsichtsrat. Krauch was closely associated with Goering in the Four-Year Plan, and in 1938 became the Reich Generalplenipotentiary for Special Chemical Questions. Krauch symbolized close cooperation with the political leaders of the Third Reich, and his appointment emphasized the working intimacy between Farben and the government.

After the merger of 1926, the Farben Vorstand comprised about eighty members or deputy members. Since this number was far too large for efficient management, a working committee with about twenty-six members, was formed. In 1937, a new joint stock company law was passed, under which the size of the Vorstand was reduced to twenty-seven; most of the members were drawn from the working committee. The working committee was abolished.

Under the Farben by-laws, "the Vorstand conducts the business of the corporation." Meetings of the full Vorstand were called about once a month. It was further provided that "at these conferences, each Vorstand member shall make a report on the matters specified as requiring Vorstand approval. It is also the duty of each Vorstand member to call attention to matters, the knowledge of which is of importance to other Vorstand members, especially as it may facilitate the overall appraisal of the business. The various Vorstand members shall, as a rule, submit particularly important matters, which go beyond the framework of the ordinary business, to the full Vorstand for decision." Among the matters listed as going beyond the framework of ordinary business were: the erection or purchase of new manufacturing and

selling facilities within Germany or abroad; selling or reduction of plants; acquisition or abandonment of participations in other enterprises; purchase and sale of patents, licenses and manufacturing secrets; and the conclusion, prolongation and termination of cartel agreements, syndicates, and communities of interest. An individual Vorstand member was permitted to act on his own in concluding a matter without Vorstand approval if serious disadvantages would otherwise occur. However, at the next session of the Vorstand, the matter had to be reported for approval. Certain internal personnel matters were handled by a "Central Committee" of the Vorstand, consisting of eight leading members.

All living persons who were members of the Farben Vorstand after 1937 are named in the indictment except one who retired in 1943 and whose health is very precarious. Of the twenty-four defendants indicted, all were members of the Vorstand except the four whose names conclude the list. The chairman of the Vorstand, from 1935 until the end of the war, was the defendant Schaeff.

As is shown by the chart, the Vorstand functioned through numerous committees, departments, and other agencies, and the Vorstand members held the leading positions in these subsidiary bodies. The assignments of Vorstand members to these duties may be classified, in general, as "technical" or "commercial"; these designations are somewhat arbitrary and overlapping, but were in parlance among the defendants and will serve as a rough guide.

2. Technical, Commercial, and other Committees and Offices

The Technical Committee (commonly referred to as TEA) was composed of the technical leaders of Farben, including the principal plant managers and leading engineers. Under the by-laws, TEA had tremendously important functions; its field included all technical and scientific questions, and all appropriations for operating or expanding the business were examined in TEA before submission to the Vorstand. The defendant Ter Meer was chairman of TEA from 1932 until the German collapse, and eleven other defendants were TEA members for substantial periods of time. TEA had numerous subsidiary bodies, the most important of which

was the "Technical Commission" (TEKO), which was headed by the defendant Jaehne. TEKO dealt with general engineering problems, and all capital expenditures for engineering purposes were passed upon by TEKO before they were reviewed by TEA.

Below the TEA, the technical organization was divided both geographically and functionally. After the merger in 1926, the various Farben plants were grouped geographically for the purpose of coordinated direction. This resulted in the formation of the five Works Combines, the very names of which illustrate their geographical basis. The Works Combine Upper Rhine, headed by the defendant Wurster, included the huge Badische plants in Ludwigshafen. The Works Combine Middle Rhine (later called Main Valley), of which the defendant Lautenschlaeger was Chief and Jaehne Deputy Chief, comprised the plants in and near Frankfurt-am-Main. The defendant Kuehne headed the Works Combine Lower Rhine, situated in Leverkusen and other Ruhr industrial cities. The defendant Suergin was Chief of the Works Combine Central Germany, with its principal plant at Bitterfeld. In 1929, a fifth and smaller Combine was established, which was called "Works Combine Berlin" although its plants were widely scattered.

The individual plants which comprised these combines were at the base of the organizational pyramid. The more important plants were managed or directly supervised by one or more Vorstand members. Thus we find Wurster and Ambros at Ludwigshafen, Lautenschlaeger and Jaehne at Hoechst, Kuehne and Brueggemann at Leverkusen, Suergin at Bitterfeld, Hoerlein at Elberfeld, and Gajewski at Wolfen-Pils.

At the end of 1929, Farben undertook a major re-organization on the technical side in order to effect economies and achieve greater coordination in production management. Operations were divided into three functional groups according to the products manufactured. Each of the three directing groups was called a Sparte, or Main Group (Hauptgruppe).

Sparte I included nitrogen, methanol, gasoline, and other synthetic fuels, and coal. The enormous synthetic gasoline plant at Leuna and the nitrogen plant at Oppau were the principal components of Sparte I, which was headed by the defendant Krauch until 1938, and thereafter by

the defendant Schneider. Sparte II, by far the largest and most diverse, coordinated the production of dyestuffs, organic and inorganic chemicals, pharmaceuticals, light metals, synthetic rubber, and a variety of other products. The defendant Ter Meer was its chief. Sparte III was much smaller, and was principally concerned with photographic materials, synthetic fibres and celophane. It was headed by the defendant Gajewski.

It is important to note one other Farben agency on the technical side of the chart. This is the Vermittlungsstelle W (Liaison Office Wehrmacht), which was established in 1935 as a coordinating agency between Farben and the German armed forces. The defendant Krauch was more or less its creator. At that time, Krauch was the head of Sparte I, and synthetic gasoline and nitrates were of special military importance. Later on, the other two Sparten participated in the operations of Vermittlungsstelle W, the purpose of which was, as Farben records of 1935 reveal: "the building up of a tight organization for armament in the I. G."

Turning to the commercial side, the majority of Farben products were sold through the four "Sales Combines" for dyestuffs, chemicals, pharmaceuticals, and photographic materials and artificial fibres. Nitrates, synthetic fuels, and certain other bulk products were sold chiefly through syndicates and other marketing organizations. The defendant Schnitzler was in charge of the marketing of dyestuffs, and after 1943, also of chemicals. The defendant Mann headed the combine for pharmaceuticals and the defendant Oster the sales arrangements for nitrogen. Coordination between marketing and production was achieved, as has already been pointed out, not only within the Vorstand but at a lower level in the three so-called "mixed committees." The defendant von Schnitzler headed the Dyestuffs Committee and, after 1943, the Chemicals Committee; the defendant Hoerlein was chief of the Pharmaceuticals Committee.

To match the Technical Committee (TEA) and to insure coordination in all commercial matters, the Commercial Committee (KA) was activated in August 1937, and thereafter became one of the most important policy-

forming groups within Farben. Both the KA and the TEA usually met the day before Vorstand meetings, and their recommendations were laid before the Vorstand. The defendant Schnitzler was the chairman of the Commercial Committee, and six other defendants were regular members.

A corporation so far-flung as Farben, of course, needed various central administrative departments, such as for bookkeeping, insurance, and taxes. Only three of these warrant mention here. Most of the plants and combines of Farben had their own legal and patent departments, but their work was coordinated by two Vorstand committees, the Legal Committee and the Patent Commission. The defendant von Knieriem was the chairman of both.

Finally, a considerable number of agencies which came to be located in a particular sector of Berlin were loosely thrown together under the name "Berlin N W 7". The defendant Ilgner was in charge of most of these Berlin offices, and was particularly concerned with intelligence and propaganda activities, which were carried out under the Political-Economic Policy Department (commonly referred to as WIPO), and by an elaborate Economic Research Department known as VOEL. The defendants Gattineau and von der Heyde were important officials of WIPO.

Thus, each of the defendants was a key official in the organizational structure of Farben. The defendants Krauch and Schmitz headed the two governing bodies of the entire complex. Of the other Vorstand members, eleven, led by the defendant Tor Mear, were primarily technical and production men; they were members of the Technical Committee, chiefs of the Sparten and Works Combines, and plant managers. Six others, led by the defendant Schnitzler, were primarily commercial men, and one, von Knieriem, was chief counsel to the corporation.

Of the four defendants who were not members of the Vorstand, Gattineau and von der Heyde were leading political agents of Farben, Eugler was a member of the Commercial Committee and in charge of dyestuffs sales in eastern Europe. Duerrfeld was the director and construction manager of the Farben plants at Auschwitz.

D. Farben in 1932

Before passing to the charges in the indictment, it will be worthwhile to pause for an overall look at Farben in the early thirties, just before the advent of the Third Reich. It was the largest chemical concern in the world — participating directly or indirectly in about four hundred German companies and five hundred business enterprises abroad — with the largest and most modern staff of scientists and technicians. According to the defendant von Schnitzler:

When one tries to compare the I. G. with the rest of the chemical industry of Europe, one should never forget that the mother houses of I. G., which constituted the merger in 1925, themselves were by far the biggest enterprises in the chemical domain in Germany. It has always been characteristic of the German chemical industry that there was on one side this huge conglomeration of industrial power called I. G. and on the other hand, an extremely great number of small enterprises split over the whole country.... It is not only that new inventions of outstanding importance were practically alone made by I. G. and that research work on a large scale was exclusively done by I. G., but that the real importance of I. G. in her capacity as a supplier of all basic products to the other chemical industries was even higher.... Taken together with the overwhelming position I. G. has in the field of photographic products and the strong majority in nitrogen, one has to make the statement that chemistry in Germany and I. G. are to a great extent synonymous.

Farben's factories and technicians were one of the two great industrial resources of Germany, the other being the coal mines and steel plants of the Ruhr. It is no coincidence that Ledeborff consorted with Duisberg and Krupp von Bohlen, and the famous German diplomat Stresemann once rhetorically asked the defendant von Schnitzler: "What have I as a trump in my hands apart from you the I. G., and the coal people?" Carl Duisberg played a leading part in the establishment of the nationwide organization of industrialists, the Reichsverband der Deutschen Industrie, the chairmanship of which was usually held by Farben or Krupp officials. Relations between Farben and the Ruhr heavy industries were reasonably close; Farben owned coal mines and held stock interests in the big steel enterprises, and the defendant Schmitz sat on the Aufsichtsrat of the huge German steel combine, the Vereinigte Stahlwerke.

But the German iron lords never achieved the complete unity which the chemical leaders brought about through the Farben merger, and there

can be little doubt that Farben was the most powerful single industrial combine in Germany and, indeed, in Europe. It produced all of Germany's magnesium, nickel, methanol, and synthetic rubber, and nearly all of its dyestuffs. It produced the bulk of Germany's nitrogen, synthetic gasoline, and numerous important chemicals. It produced half of Germany's pharmaceuticals and more than half of its photographic supplies. It dominated the German explosives industry. It enjoyed close relations with the German government long before Hitler came to power; the defendant Schmitz was a close associate of Chancellor Brüning, and another Farben director, Warhold, became Minister of Economics.

In the laboratories of Farben, many amazing experiments were being carried to successful conclusions. New inventions and processes poured forth in a never-ending stream; most of them were of inestimable actual or potential value to mankind. And, long before Hitler achieved notoriety, Farben officials were wrestling with two problems, the successful solution of which would go far to make Germany economically self-sufficient, and independent of imports in time of war. One of these was the manufacture of synthetic rubber, which by 1932 had not yet advanced beyond the stage of promising experimental production.

But the other was solved soon after the merger of 1926, through the famous Farben hydrogenation process by which Germany's coal could be transformed into oil, gasoline, and other synthetic fuels and lubricants. The tremendous significance of this discovery is eloquently reflected in a letter written at that time by Frank Howard, an official of the Standard Oil Company of New Jersey, to its president, Walter Teagle:

Based upon my observations and discussion today, I think that this matter is the most important which has ever faced the company since the dissolution.¹

The Badische can make high grade motor oil fuel from lignite and other low quality coal in amounts up to half the weight of the coal. This means absolutely the independence of Europe

1. The reference, presumably, is to the dissolution of the original Standard Oil Company under the American anti-trust laws.

on the matter of gasoline supply. Straight price competition is all that is left.....

I shall not attempt to cover any details, but I think this will be evidence of my state of mind.

We do not stress these circumstances because any social or economic questions such as the limits, if any, which should be placed on the size of corporations, are in any way germane to this case. They are not. But the size of the Farben empire and the strategic importance of Farben techniques must be grasped in order to understand the significance of the events which took place during the period covered by the indictment. Farben was Germany's greatest single industrial resource. Countless other industries were entirely dependent on Farben products. Farben techniques held the key to many of the problems which the Wehrmacht wished to solve. The German economy could not have survived without Farben, and no German government could afford to sacrifice its cooperation, least of all a government intent on rebuilding Germany's military strength. In short, Farben factories, Farben techniques, and Farben leadership were vital necessities to Germany and the German government, and the defendants knew it. The defendants were not men who could be easily pushed around.

Least of all do we suggest that it is a crime to experiment and invent, whether the results are dyes or drugs or synthetic fuels. The capacity to create is man's most God-like attribute, and several of the defendants were eminently gifted. In the dock sits Heinrich Hoerlein, who discovered luminal and helped develop the sulfa drugs. Carl Lautenschlaeger also made valuable contributions to medical science, and Krauch, Schneider, Arbros, and Vajewski have many useful inventions to their credit. Farben chemists developed sulfanilamide, atabrine, aspirin, pyramidon, novocaine, and salvarsan. No doubt it gives the defendants little comfort now to reflect on the fact that numerous discoveries which spread Farben's fame were the work of Jewish scientists, such as Fritz Haber and Paul Ehrlich. Be that as it may, there is no reason to obscure the fact that humanity owes much to Farben chemists.

The defendants, indeed, were privileged to spend most of their lives in the wonderful world of synthesis and transmutation. One can only sorrow that these damaged souls were not content to remain the

workers of beneficent miracles, but preferred to be the architects of catastrophe.

COUNT ONE: PAPEN AND THE ESTABLISHMENT OF THE THIRD REICH

Before outlining the evidence which the prosecution will adduce in support of Count One of the indictment, it will be well to set at rest one or two questions which might otherwise give rise to misconceptions. At the outset, it must be made clear what the defendants are charged with.

Whether these defendants, individually or collectively, were Nazis or subscribed to all phases of Nazi ideology, is not the core of the issue here. It is a fact that practically all of them were members of the NSDAP, but that is not the burden of our proof. We are not trying them for that. It is quite possible that some of the Nazi doctrines were personally distasteful to some of the defendants as individuals. But the fact that some of them may not have been in complete sympathy with all aspects of the Nazi program does not relieve them of responsibility for their actions. Their membership in the Nazi party is one, but only one, circumstance among many others which must be taken into account in determining what the defendants did, and the knowledge and intentions which gave rise to the acts with which they are charged.

Likewise, it goes without saying that these men have not been indicted because they are "industrialists" or because they exercised great power and controlled great wealth. These things are not declared as crimes by the law under which this Tribunal renders judgment, and the Tribunal is not a forum for debate over the relative merits of different economic systems.

What these men are charged with under Count One of the indictment is set forth in Article II of Control Council Law No. 10, which prescribes, as crimes against peace:

Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

Furthermore, there is no occasion in this proceeding to re-submit the evidence and proofs concerning the invasions and wars of aggression of the Third Reich. Article X of Military Government Ordinance No. 7,

under which this Tribunal is established, provides that:

The determinations of the International Military Tribunal in the judgment in case No. 1 that invasions, aggressive acts and aggressive wars, crimes, atrocities or inhuman acts were planned or occurred, shall be binding on the tribunals established hereunder and shall not be questioned except insofar as participation therein or knowledge thereof of any particular person may be concerned. Statements of the International Military Tribunal in the judgment in Case No. 1 shall constitute proof of the facts stated, in the absence of substantial new evidence to the contrary.

The starting point of this case under Count One, accordingly, is the established fact and considered judgment of the International Military Tribunal that Germany under the Third Reich did plan and carry out invasions and did plan and wage wars of aggression. The invasions and wars of aggression covered by the judgment of the International Military Tribunal are listed in paragraph 2 of the indictment. The only question at issue under Count One is the extent to which the defendants knew of or participated in the preparation for and initiation of invasions and aggressive wars which were planned and which did occur.

To establish guilt for the commission of crimes against peace, it is not, of course, necessary to show that the defendants gave the military order which launched an invasion, or personally fired the first shot. The necessary degree of connection with the crime to establish the guilt of the defendants is to be determined by paragraph 2 of Article II of Control Council Law No. 10, and in the light of recognized principles of criminal law. Paragraph 2 sets forth that an individual shall be found guilty of the crimes defined in Law 10 if he was (a) a principal, or (b) an accessory, or if he (c) took a consenting part therein, or (d) was connected with plans and enterprises involving the commission of the crime, or (e) was a member of an organization or group connected with the commission of the crime. A further provision of this paragraph, applicable only with respect to crimes against peace, makes reference to the holding of high political, civil, or military positions in Germany, or of high positions in the financial, industrial, or economic life of Germany. This provision, we believe, is not intended to attach criminal guilt automatically to all holders of high positions, but means rather that legitimate and reasonable inferences are to be

drawn from the fact that a defendant held such a position, and places upon him the burden of countering the inferences which must otherwise be drawn.

Nor, to sustain the charges under Count One, do we need to prove that the ultimate purpose and final objective of the defendants was to bring about a state of war. We doubt that war was the ultimate objective of anyone in the Third Reich; the objective was conquest. We do charge that the Third Reich had certain political objectives well known to the defendants, and that when they played their crucially important part in re-arming Germany, they knew that Germany would use her military strength in invasions or aggressive wars against her neighbors, if necessary in order to accomplish the aims of the Third Reich. Force was the chief instrument of its foreign policy. The fact that the defendants or other participants in these criminal acts may have hoped that their objectives could be achieved by the threat of force rather than by its ultimate application through war, is no more a defense for them than it would be for a burglar or robber to express regret that he found it necessary to murder his victim in order to secure possession of the loot.

The origins of the crimes with which the defendants are charged may be traced back over many decades, but for present purposes their genesis is in 1932, when Hitler had established himself as a major political figure in Germany, but before his seizure of power and the advent of the Third Reich. Subsection 1 of Count One of the indictment charges that the defendants, together with other industrialists, played an important part in establishing the dictatorship of the Third Reich. We do not here charge that this, in itself, was a crime under Law No. 10, but it was the first important step in the commission of the crimes against peace with which the defendants are charged.

When we charge an alliance between the defendants and Hitler and the Nazi party, this does not mean that the two groups saw, in all respects, eye to eye. As is usually true, when two powerful groups collaborate, there were disagreements, as will appear from some of the evidence which will be offered. But the evidence will show that the main common aim of both groups was aggrandizement at the expense of

other countries and the reaping of the spoils thereof, regardless of whether war might be necessary to accomplish this purpose and of how much death, misery, and destruction might ensue. This common objective bound the two groups together, and without this collaboration, Hitler and his party followers would never have been able to seize and consolidate their power in Germany, and the Third Reich would never have dared to plunge the world into war.

In the July election of 1932 in Germany, the Nazi party polled about thirteen million votes out of thirty-six million cast. This was more than double the vote which the Nazis had received at the previous election in 1930, and the Nazi party's representation in the Reichstag rose from 137 to 230 seats, out of a total of 508. The position of Vice Chancellor was offered to Hitler, but he refused it.

At that time, the economic crisis had reached its climax; German industry was drastically affected, and some members of the Farben Vorstand favored abandoning the costly production of synthetic gasoline at Leuna. The political situation under the von Papen government became increasingly unstable. Hitler's success in the election was impressive, and soon thereafter Farben took steps to establish contact with him.

Farben sent two emissaries, the defendants Gettinanu and Buete-fisch, to Munich to discuss with Hitler Farben's most pressing problem--the future of its synthetic gasoline program. Gettinanu had had previous contacts with the Nazis, and was a suitable liaison man. He knew Hess personally and was Economic Consultant to Roehm, the Chief of Staff of the Storm Troopers (S.A.).

Gettinanu arranged the meeting through Hess and came with Buete-fisch to find out whether Farben could look for support from the Nazis for governmental assistance, whether by way of higher protective tax or otherwise, which would warrant Farben continuing its costly production of synthetic gasoline. Hitler agreed that Farben's gasoline production should receive the necessary protection. The doubts within Farben immediately disappeared, and the synthetic gasoline program was carried on and expanded. In January 1933, even before Hitler was appointed Chancellor, Farben started to hire thousands of workers for its lignite mines and its Leuna plant.

Why did Farben approach Hitler at that time to discuss matters of such importance? What did they know about him? Whether they knew more than what everyone else in Germany then knew is not important. It is enough that everyone in Germany knew about Hitler when Farben decided to do business with him. Hitler and his party had a program which they had never hesitated to proclaim from the housetops. That program had been announced in 1920 and remained unaltered until the dissolution of the party in 1945. It consisted of twenty-five points, including the following:

Point 1. We demand the unification of all Germans in the Greater Germany, on the basis of the right of self-determination of peoples.

Point 3. We demand land and territory for the sustenance of our people, and the colonization of our surplus population.

Point 4. Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race.....

Point 22. We demand abolition of the mercenary troops and formation of a national army.

The plain meaning and ultimate fruition of these points has been well summarized in the judgment of the International Military Tribunal:¹

The demand for the unification of all Germans in the Greater Germany was to play a large part in the events preceding the seizure of Austria and Czechoslovakia; the abrogation of the Treaty of Versailles was to become a decisive motive in attempting to justify the policy of the German Government; the demand for land was to be the justification for the acquisition of "living space" at the expense of other nations; the expulsion of the Jews from membership of the race of German blood was to lead to the atrocities against the Jewish people; and the demand for a national army was to result in measures of recruitment on the largest possible scale, and ultimately to war.

Other Nazi publications, clearly foreshadowing ruthless dictatorship, declared that "Everything active has long lost faith in parliaments and majority rule. The rootless unracial idea of democratic parliamentarism is dying today and no longer finds followers who are ready to give their lives at the barricades for this form of constitution. No propaganda will be able to revive this corpse....." If anyone doubted that the party platform represented Hitler's personal views, ample con-

1. Judgment of the International Military Tribunal, Trial of the Major War Criminals, Vol. I, p. 175.

firmation was to be found in "Mein Kampf." These were the views of Hitler and his party; and this was the man and the program, widely publicized and well known to the defendants, at the time that Bueck-fisch and Gattinasu went to Munich to discuss Farben's synthetic gasoline program with Hitler.

The Nazi party suffered a setback, however, in the German election of November 1932. Hitler dropped some two million votes, and Nazi representation in the Reichstag fell under 230 to 196 seats. The election was a serious blow to Hitler's aspirations; shortly thereafter, Joseph Goebbels wrote in his diary:

Deep depression is prevalent in the organization. Financial worries prevent any constructive work.... In the evening, the Fuehrer was at our house. We could not get into the right spirit. We were all very discouraged, particularly in the face of the present danger that the entire party may collapse and all our work be in vain. We are now facing the decisive test.

But soon after this depressing entry, Hitler's fortunes rose abruptly and decisively. A petition signed by leading industrialists and financiers had been presented to President Hindenburg calling upon him to entrust the Chancellorship to Hitler. Early in January 1933, von Papen and Hitler met in conference at the home of the Cologne banker, Baron Kurt von Schroeder. Thereafter, von Papen conferred with President von Hindenburg, and on January 30, 1933, von Hindenburg appointed Adolf Hitler Chancellor of the German Reich.

Thus the Third Reich was born, but the monstrous infant was not yet out of danger. The Nazi party's slender purse, which had worried Goebbels some weeks earlier, was a serious obstacle to success in the election which was scheduled for March 1933. But the financial problem was solved, and Hitler's power was assured. The defendants, through Farben, participated in furnishing the necessary funds and thereby assisted in cementing Hitler's power. This took place just three weeks after Hitler had been appointed Chancellor.

On 20 February 1933, Goering invited about twenty leading German bankers and industrialists to his home to obtain financial support for the Nazis in the coming election. Farben was represented at this meeting by the defendant von Schnitzler, and others in attendance included

Gustav Krupp von Bohlen and Dr. Hjalmar Schacht. Hitler appeared and delivered a long speech, at the conclusion of which this powerful assemblage subscribed to a fund of three million marks to be put at his disposal in the coming election. Krupp von Bohlen made notes summarizing Hitler's speech, and these notes will be offered in evidence. Inasmuch as Hitler's speech is compelling evidence of the nature of the man and the program which the industrialists determined to support, substantial portions of it merit quotation. Hitler said in part:

Private enterprise cannot be maintained in the age of democracy; it is conceivable only if the people have a sound idea of authority and personality. Everything positive, good and valuable, which has been achieved in the world in the field of economics and culture, is solely attributed to personality. When, however, the defense of the existing order, its political administration, is left to a majority, it will irretrievably go under. All the worldly goods which we possess, we owe to the struggle of the chosen.....

It is not by chance that one person accomplishes more than the other. The principle of private ownership which has slowly gone into general conception of justice and has become a complicated process of economic life, is rooted in this fact. The course which we have to take is clearly indicated. It is, however, not enough to say we do not want communism in our economy. If we continue on our old political course, then we shall perish. We have fully experienced in the past years that economics and politics cannot be separated. The political conduct of the struggle is the primary decisive factor. Therefore, politically clear conditions must be reached..... It is, therefore, the noblest task of the leader to find ideals that are stronger than the factors that pull the people together. I recognized even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in nationalism, in the value of personality, and in the denial of reconciliation between nations..... Of course, nothing is being accomplished by simple denial of such thought, one has to offer new thoughts. If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, everything replaced by something better..... We must not forget that all the benefits of culture must be introduced more or less with an iron fist just as one time the farmer was forced to plant tomatoes.....

Now we stand before the last election. Regardless of the outcome, there will be no retreat even if the coming election does not bring about decision. One way or another. If the election does not decide, the decision must be brought about by other means. I have intervened in order to give the people once more the chance to decide their fate by themselves..... The necessity to make sacrifices has never been greater than now. For business, I have the one wish that it go parallel with the internal structure to meet a calm future. The restoration of the Wehrmacht will not be decided at Geneva but in Germany, when we have gained internal strength through internal peace..... There

are only two possibilities, either to crowd back the opponent on constitutional grounds, and for this purpose once more this election, or a struggle will be conducted with other weapons, which may demand greater sacrifices. I would like to see them avoided. I hope the German people thus recognize the greatness of the hour. It shall decide over the next ten or probably one hundred years. It will become a turning point in German history to which I pledge myself with glowing energy.

That is what the defendant von Schnitzler heard Hitler say on 20 February 1933, less than two weeks before the March election. Goering followed Hitler with a request for financial support and concluded by saying that: "The sacrifices asked for surely would be so much easier for industry to bear if it realized that the election of March 5 will surely be the last one for the next ten years, probably even for the next one hundred years." Schacht then said: "On this table we must raise a fund of three million marks."

Schnitzler went back and reported what he had heard to the other Farben officials. Farben contributed 400,000 marks for Hitler's campaign -- the largest single contribution by any of the firms represented at the meeting. The payment was made on 27 February 1933. The next day the Reichstag building was set on fire, and on the same day Hitler and his cabinet, utilizing the fire as a pretext, promulgated a decree suspending the constitutional guarantees of freedom. By this decree, certain sections of the German constitution were indefinitely suspended and, as the decree went on to state:

.....restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed.

This was the first act of the men and the party after receiving the subsidy which Farben had so generously provided. The decisive election was held with the constitutional guarantees in a state of suspension one week later; the Nazi party received seventeen million votes out of thirty-nine million cast, and 288 Reichstag seats out of a total of 647. Still lacking a majority, Hitler applied the "other methods" which he had threatened to use in the speech which von Schnitzler had heard on the 20th of February. Opposition members in

the Reichstag were taken into "protective custody" and in their enforced absence the Reichstag on 24 March 1933 passed the Enabling Act which gave Hitler full legislative power, including the power to deviate from the constitution. Thus perished democracy and liberty in Germany; the Third Reich had come to stay for twelve long and terrible years.

Were the defendants shocked, disappointed, or even surprised at the swift and brutal course of dictatorship? In April 1933, Hermann Goering founded the Gestapo. In that same month, the Reich Association of German Industry, of which Carl Duisberg was a founder and Farben a member, submitted to Hitler a plan for the re-organization of German industry according to the "Fuehrerprinzip" or "leadership principle". In transmitting the plan, Gustav Krupp von Bohlen stated that:

The turn of political events is in line with the wishes which I myself, and the board of directors, have cherished for a long time. In re-organizing the Reich Association of German Industry, I shall be guided by the aim of bringing the new organization into agreement with the political aims of the German government.

In July 1933, a law was passed declaring the NSDAP to be the only political party, and making it criminal to maintain or form any other political party. Three days earlier, representatives of the Du Pont Company of Delaware met with Carl Bosch, then chairman of the Farben Vorstand, who told them that:

Just now it is a question of Fascism and Bolshevism, and industry must support the present government to prevent further chaos. In the beginning, Hitler did not consult industrial leaders, but in recent weeks he has shown his stability by curbing the more extreme elements of the party and bringing the industrial leaders into consultation with him.

What did Farben regard as "stability", and what was it that seemed to them preferable to "chaos"? During the remaining months of 1933, the grip of tyranny grew even tighter. The independence of the judiciary was fetally undermined, special political courts were established, and the concentration camp made its appearance. Jews were eliminated from the civil service and otherwise persecuted, the trade unions were strangled, and the Hitler Youth was organized on military lines. Joseph Goebbels established the Ministry of Peoples' Enlightenment and propaganda to insure distortion and suppression of the truth. Within

Goebbels's Ministry, Walther Funk established a "Publicity Board of the German Economy", on which the defendants von Schnitzler, Menn, and Guttman were placed to serve. Germany withdrew from the International Disarmament Conference and from the League of Nations. Germany's foreign policy was "ratified" by a so-called "election" in November, 1933. At the same "election", the defendant Schmitt, a Nazi nominee, was elected to the Reichstag. Its government turned into dictatorship and Germany set her feet on the road to war, Farben became ever more closely integrated with and vital to the Third Reich, which it had helped to create.

-COUNT ONE: PLANNING AND PREPARING INVASIONS
AND WARS OF AGGRESSION

In approaching the defendants' career of partnership with Hitler and the Wehrmacht during the years prior to the outbreak of the war, we may profitably remind ourselves that the preparation of a war against major powers is an undertaking of staggering magnitude. It cannot be done by one man or any single group of men. It must be organized among all the leaders of a nation, and it calls for the most meticulous and deliberate planning all down the line. Mr. Justice Jackson set this forth with admirable clarity before the International Military Tribunal:¹

This war did not just happen. It was planned and prepared for over a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of energies of any people as that which enabled Germany twenty years after it was defeated, disarmed, and dismembered, to come so near to carrying out its plan to dominate Europe. Whatever else may be said of those who were the authors of this war, they did achieve a stupendous work in organization....Financiers, economists, industrialists, joined in the plan, and promoted elaborate alterations in industry and finance to support an unprecedented concentration of resources and energies upon preparations for war....These preparations were of a magnitude which surpassed all need of defense, and every defendant, and every intelligent German, well understood them to be for aggressive purposes.

Farben's full scale collaboration in the program of the Third Reich was abundantly manifested immediately after Hitler's seizure of power. In outlining the evidence today, we will lay principal stress upon its participation in re-arming Germany for aggressive purposes, but it must not be thought that this was the only field in which Farben found common ground with the Nazis. Farben continued to give the NSDAP generous financial support, and carefully adapted its sales and publicity program in accordance with Nazi ideas. If any doubts lingered in the minds of the defendants, they were not manifested by word or deed. We will outline the proof of these charges chronologically.

A. 1933

The Tribunal will recall that, when Farben first established contact with Hitler through Gattinasu and Buestefisch in 1932, Farben had

1. Vol. II, Trial of the Major War Criminals, pp. 104, 131.

been chiefly concerned with securing Hitler's support for the continuation and expansion of its synthetic oil program. Hitler gave them satisfactory assurances, and soon after the seizure of power, in the spring of 1933, Hitler invited Carl Bosch, then chairman of the Farben Vorstand, to meet with him and discuss the details of the program which Buestefisch and Gattineau had outlined in 1932. The meeting was not without its bargaining aspects; Hitler was chiefly interested in quantity production, whereas Farben was anxious for government guarantees relating to prices and for the purchase of Farben's output. While the full details of the meeting are not known to the prosecution, it is clear that Farben received assurances which led them to develop a program for expansion of the Leuna plant.

Farben immediately proceeded to establish close relations with the German Air Ministry, in order to develop the aviation market for synthetic gasoline. In the spring of 1933, the defendant Krauch, at that time the head of Sparte I (the Sparte concerned with nitrogen and synthetic fuels), wrote to Erhardt Milch, the State Secretary and second in command of Hermann Goering's Air Ministry. Krauch outlined the basis for expansion of Farben's synthetic fuel facilities on the basis of a "four year plan". This concept of a four year plan was later adopted by Hitler and Goering for Germany as a whole, as will subsequently appear. Krauch's letter contained the following:

It will, of course, be easily possible to accelerate the speed of this expansion so as to reach the production target in a shorter time.....It is quite possible to more or less replace the contemplated increase in the production of crude oil and low temperature lignite tar, through the direct hydrogenation of lignite and bituminous coal. This would give us the advantage of enabling us to start from an assured raw material basis and of independence from by-products.....

As far as hydrogenation is concerned, we have worked for quite some time on the production of suitable aviation gasoline. We can now state that according to the conditions of technical methods, it would easily be possible to produce aviation gasoline as well as lubricants suitable for airplanes by German production. At this time the Lufthansa is making extensive tests with our gasoline. If there are any points arising out of this matter requiring additional elucidation, I shall be glad to furnish you with further verbal information.

On the basis of the Krauch report, Milch called a special meeting at the Air Ministry with Lt. General von Bockelberg, chief of Army

Ordnance, and Lt. Colonel Thomas (who later became the chief of the Military Economy Staff), and reported to them on his conference with Krauch. The minutes of this meeting state:

Secretary of State Milch handed over to Lieutenant General von Bockelberg a memorandum of the I.G. (Dr. Krauch) concerning the expansion of the domestic basis of raw materials and proposed that both of their offices vigorously sponsor the project before the appropriate government agency. The appointment of a Commissioner with authority to take necessary measures to carry the project into effect was considered necessary.

Three months later, in December 1933, Farben received a formal contract from the government for synthetic gasoline production. The contract was approved for the Government by Hitler personally. Farben undertook to enlarge its Leuna plants so that during the second half of 1934 a minimum production of 80,000 tons would be reached, and by 31 December 1937 a minimum production of 300,000 to 350,000 tons. For this the Reich guaranteed Farben for ten years - until 30 June 1944 - a price corresponding to the cost of production. The Reich pledged itself to take measures assuring the sale of the gasoline manufactured.

With the synthetic gasoline program successfully launched, Farben turned its attention to synthetic rubber. Again the military authorities were called to the council table. In August, 1933, Farben wrote to the Army Ordnance Office reporting on the status of synthetic rubber experimentation. After detailing its work on rubber during the first World War and pointing out that research had been curtailed because of the financial risk, Farben's letter stated:

Of importance, furthermore, would seem to be certain indications that the new product surpasses natural rubber tires in non-skid properties. On these grounds the manufacture of synthetic rubber would seem to hold out some promise once again, so that the I. G. would be willing to resume their experiments on a large scale....In order to avoid misunderstandings, it should be stated once more that it is impossible to manufacture synthetic rubber at a price approximating, however remotely, that of the present price of natural rubber, but that it is hoped to counter-balance higher costs by higher quality.

After several months and more conferences, the Reich Minister for Economic Affairs wrote to Farben:

I am very much interested indeed in the manufacture of synthetic rubber in view of the decrease in imports of raw materials from abroad and, more generally, because of the opportunities it might offer for the provision of

employment. I, therefore, appreciate it very much that your firm is prepared to restart the manufacture of synthetic rubber on a larger scale.... I shall, moreover, approach the Reich departments concerned, as soon as the tires are available, so that they can be subjected to extensive practical tests. Should the tests produce favorable results, I shall gladly give further support to the matter by requiring government departments and public institutions to use synthetic tires provided prices are satisfactory.

Having secured these assurances, Farben intensified its experimental work with synthetic rubber, which came to fruition several years later. Far more than any other two things, Germany needed synthetic gasoline and synthetic rubber to enable it to fight a war under the economic pressure of enemy naval superiority. Accordingly, these were the two fields in which Farben's efforts were primarily concentrated. Less significant but more obviously warlike activities were not lacking. As early as March 1933, gas masks were issued to Farben employees, and training programs for defense against air raids and gas attacks were launched. Experimentation with smoke screens was begun in collaboration with the Reich War Ministry. The German Air Ministry, having noticed an article in a French technical periodical with respect to a new and highly lethal poison gas which Farben was said to have discovered, sent an inquiry to Farben, and the defendant Kreuch dispatched one of Farben's leading scientists to Berlin "to give the required explanation".

On the political front, Farben supported Hitler and the Nazi party wholeheartedly and energetically throughout these months, when concentration camps were being established, and one tyrannical decree after another issued from Berlin. Farben made numerous financial contributions in 1933 to the party and its various organizations, and Carl Duisberg assured the Reich Association of German Industry that "on account of their absolutely positive attitude to the whole matter" Farben was "naturally prepared" to contribute to the Adolf Hitler fund, which Gustav Krupp von Bohlen had organized. In April 1933, Farben's plant leader at Leverkusen, the defendant Kuehne, exhorted all his employees to participate in the May Day Rally, stating that "the main issue is that on this day of all, Germany should stand behind its government." In May, a circular was issued to all Farben plants stating that

the management would "welcome suitable representation of National Socialist aims within the National Socialist factory cell organization". In June, a Farben committee determined "that it should be a matter of course, when engaging new people, to give preference to members of semi-military organizations", with obvious reference to the SS, SA, and other Nazi uniformed gangs. In July, 1933, Carl Bosch was appointed by Hitler to a small and select economic council of government officials and prominent industrialists. Later that month, the defendant Schmitz became chairman of one of Hitler's pet projects, called the "House for German Art" at Munich, and, in soliciting funds for its construction, explained that:

The Reich Chancellor,....will be present at the laying of the foundation stone and will proclaim the cultural construction program in a manifest. For the construction of the building, six million Reichsmarks have to be raised. This task will not be easy. It may, however, be easier owing to the fact that it is the execution of a personal favorite idea of the Reichschancellor's. The "House of German Art" is, therefore, planned as a gift of the German people to the Reichschancellor.

Farben's viewpoint abroad paralleled its outlook at home. Hitler's brutal dictatorship, and in particular the anti-Semitic outrages of the Third Reich, caused public opinion to react violently in other countries, especially in the United States. Spontaneous boycotts of German goods injured German trade. Some of Farben's foreign agents endeavored to persuade the Vorstand to use its influence to soften the anti-Jewish policies, in the interests of Farben's export trade. But Farben was playing for bigger stakes, and its reaction to the American boycott was the launching of a vigorous and insidious propaganda campaign which would have done credit to Goebbels himself. They retained a well-known public relations expert, Ivy Lee, to devise methods for countering the boycott and organizing pro-German propaganda. Farben's pharmaceutical Sales Combine, headed by the defendant Mann, had extensive connections in the United States, and at the end of 1933 it distributed a circular letter to its American representatives, which contained the following:

....we are particularly desirous of describing to you in detail the actual conditions as they prevail under the new National Socialistic Government in Germany; we wish to express the hope that this report will supply you with important data, enabling you to continue to

assist us in our struggle for the German conception of law. We ask you expressly, in connection with your collaborations and your personnel, to make use of these data in a manner which appears appropriate to you, to the end that all co-workers in our pharmaceutical business become familiar with these general, economic, and political conceptions.

Within Germany, the Reichstag fire gave the signal for the fight against Communists and Marxists, who, in armed revolt, were intent upon bringing Germany again to the brink of the abyss. The Government stepped in and cleaned the country with an iron hand. Peace and quiet was established.....

Achievement, not connection and party membership, was the means of securing office; order and honesty again became the guiding principles in German public life.

B. 1934

In January 1934, Hitler signed a mutual non-aggression pact with Poland. Later that year, Hjalmar Schacht submitted a report to Hitler which began with the words:

With the foundation of the Reich Defense Council and of its permanent committee, the Reich Ministry of Economics has been charged with the job of economic preparation for war. The tremendous importance of this task really ought not to require any further explanation. The terrible consequences of the lack of any economic war preparations in the World War are still vividly remembered.

Schacht went on to list a number of "urgent difficulties" and to explain what steps had been taken to overcome them. He explained that the plants which manufactured highly concentrated nitric acid, a prerequisite for the production of ammunition, were concentrated along the Rhine near the western border of Germany. He thought it imperative to set up another large plant in the safer zone of central Germany. Construction of such a plant had been commenced at Doeberitz, and was to be finished by next spring. The Doeberitz plant was a secret plant, financed by the Reich, but it was built by Farben and operated by Farben.

Schacht expressed similar worries with respect to ferrous alloys necessary for the production of high grade steel. Again, Farben had been only too obliging; part of its facilities for the production of ferrous wolfram, which Schacht described as being "exclusively located in the danger zone" near Leoben, were transferred to central Germany.

Schacht then discussed the light metals situation. This problem

was met in part by Farben's construction of a large plant in central Germany for the manufacture of magnesium and aluminum. It was built in close collaboration with the German Air Force, which carefully examined the site from the standpoint of security against air raids, and also absorbed the entire production.

Schacht was also concerned about the lack of sufficient stocks of essential chemicals and critical war materials:

In view of the uncertain duration of a war, these stocks have to be saved most carefully right from the beginning.....Pyrites are the basic raw material of sulphuric acid, which is an indispensable chemical intermediate product. In Germany, it can only be produced in the danger zone (Westphalia). The I.G. Farbenindustrie A.G. has been asked to complete the stockpile of an additional amount of pyrites during this winter. Furthermore, the conversion of a large plant of this concern to the production of sulphuric acid free oxysulphur is going to bring considerable relief in this respect.

In 1934, Farben participated in this stock-piling program. Not only were pyrites stocked at the Wehrmacht's request, but also huge amounts of stabilizers for explosives, and other chemicals. At one plant, the entire output of magnesium was stored in incendiary bomb tubes which were packed in ordinary boxes and labeled "textile cases" for purposes of camouflage.

Schacht was also worried about stocks of motor fuels, and wanted to build and fill large underground storage tanks which would be immune from air raids. But in this field Farben was chiefly interested in synthetic production which would make Germany independent, once and for all, of imports. In 1934 a government sponsored corporation known as Brebreg (the letters stood for Brown Coal and Benzol A.G.) was established to derive synthetic gasoline from brown coal by means of the Farben hydrogenation process. The technical head of Brebreg was the defendant Buetefisch.

In 1934, Schacht was also making detailed plans for industrial mobilization, and established a series of "economic groups" to make plans in conjunction with the German army. Above these groups was the Reichsgruppe Industrie (Reich Group Industry), in which the defendants Schmitz, von Schnitzler, and Jaehne were very active. Farben was well represented in the underlying committees for particular indus-

tries, and in the Economic Group Chemical Industry, the defendants von Schnitzler, Ter Meer, Wurster, Oster, and Ambros all played important parts.

Plans for the protection of Farben plants against air raids continued to be made, and tried out in training, with the utmost energy and seriousness. All Farben plants engaged in maneuvers which were called "war games." On the map of a particular plant, an umpire would mark various points where bombs of a certain weight were assumed to have fallen. The works management devised plans for the speedy repair of the damage, and made estimates as to the length of time that various parts of the plant would be out of operation. For greater protection, for example at the Leuna plant, production was organized in independent units, so that it could continue despite bomb damage to individual units. High ranking officers of the Wehrmacht attended these games and consulted with the Farben officials. These precautions, it might be added, paid good dividends during the recent war, at the conclusion of which only 13% of Farben's productive capacity had been eliminated by bombing.

Farben's devotion to the Nazi party and the Third Reich continued to be ironclad. The Farben directors at Leverkusen distributed Hitler's speeches and other propaganda to thousands of foreign physicians. They withdrew their advertising from foreign newspapers that published articles critical of the Nazis. Farben agencies in Chile and Argentina supported, financially and otherwise, the establishment of local chapters of the Nazi party and the dissemination of propaganda through German chambers of commerce.

C. 1935

In 1935, the Nazi pace quickened, and the Third Reich took the first open steps in violation of the Treaty of Versailles. In March, Goering publicly announced that Germany was building a military air force. Later that month, compulsory military service was instituted and the German army was established with a peacetime strength of 500,000 men. In May, on the same day that Hitler renounced the disarmament clauses of the Versailles Treaty, paying lip service to the territorial limitations of that treaty and to the Locarno Pacts, the

Secret Reich Defense Law was passed, defining the powers and duties of the Reichschancellor and the other Ministers in case Germany became involved in war. As the International Military Tribunal found "It is clear from this law that by May of 1935, Hitler and his government had arrived at the stage in the carrying out of their policies when it was necessary for them to have in existence the requisite machinery for the administration and government of Germany in the event of their policy leading to war." Intransigence abroad was accompanied by a tightening of the vise of dictatorship at home. September 1935 was the month of the infamous Nurnberg laws.

Farben's concentration on armament matters was correspondingly intensified. The activities of the defendants - their purchases, sales, production, expansion, and research - fell so exclusively in the military domain that the Vorstand established in Berlin a Farben military liaison agency, the Vermittlungsstelle W. In September, the defendant Krauch sent a confidential letter to all Plant Directors explaining the new agency:

The Central Committee of the Vorstand has determined to create an Agency (W) in our place of business in Berlin NW 7, Unter den Linden 78, in order to provide systematic cooperation within the I. G. in the current development of military economy, and particularly to assure central treatment of all questions of military economy, military policy and military technique.....

From now on, all correspondence - even about matters still in the balance - with the Reich Ministry of War, the Navy Office, the Reich Air Ministry...., and, for military economic questions, with the Reich Ministry for Economy also, is to be addressed exclusively to the Vermittlungsstelle.....

The liaison agency is ready to give any information about and make arrangements in military economic and military policy questions, which are part of its sphere of work.....

With the establishment of the Vermittlungsstelle W, Farben synchronized all its activities with the military plans of the German High Command. The extent to which the defendants committed their entire organization to military purposes is set forth in a report prepared by the defendant Krauch in December 1935. The report states, in part:

With the creation of the Army, German industry was given the task of bringing its plants and its organization in line with building up the defenses of

the country, which meant to reorganize its existing plants and offices from the point of view of armament.

The newly founded Vermittlungsstelle W has as its task the simplifying and coordinating of these matters inside the I. G. The aim of this work is the building up of a tight organization for armament in the I. G.....

In case of war, I. G. will be treated by the authorities concerned with armament questions as one big plant which in its task for armament, as far as it is possible to do so from the technical point of view, will regulate itself without any organizational influence from outside.....

To the field of the work of Vermittlungsstelle W belongs, besides the organizational set-up and long-range planning, continuous collaboration with regard to armament and technical questions between the authorities of the Reich and the plants of the I.G.

The continual and detailed joint planning between Farben and the Wehrmacht which precipitated the establishment of Vermittlungsstelle are exemplified in the "strictly confidential" minutes of a conference held at a Farben plant in 1935 with officials of the Army Ordnance office and the Reich Air Ministry. The Army was interested in the use of methanol for automobile motors, and the Luftwaffe in the synthetic production of Iso-octane. The use of synthetic lubricating oil for airplane engines was then discussed in the light of the high cost of its production. The conference noted that:

Rejection of these processes due to the fact that they are uneconomical cannot be a primary consideration for the purpose of the Reich Air Ministry, if production of the extremely high quality materials for a limited sphere of utilization can be achieved with their help.

The strategic nature of this developmental work is illustrated by another extract:

The I.G. is bound by contract to an extensive exchange of experience with Standard Oil. This position seems untenable as far as developmental work which is being carried out for the Reich Air Ministry is concerned. Therefore, the Reich Air Ministry will soon conduct an extensive examination of applications for patents of I. G. Furthermore, the I. G. will suggest the necessary security measures to the Reich Air Ministry under special consideration of the situation.

In 1935, Farben's work with synthetic rubber was reaching the point of practical application and strategic significance. In January, representatives of the Army Ordnance office visited Farben's Leverkusen

plant to determine whether to concentrate on the synthetic program or on the stockpiling of natural rubber. The army representatives indicated that: "the production of synthetic rubber is no longer a question of foreign exchange, but has become a question of military policy.....The requirements of the Wehrmacht will....be decisive." It was decided that additional tests would be made, and that during the summer Hitler would be shown articles made of synthetic rubber.

The report on this conference in January notes that the peacetime requirements of the German army were "150 to 250 tons per month". But in September, Farben committed itself to the construction of a factory with a capacity of 1,000 tons per month. This occurred as the result of a conference between the defendant Ter Meer and Wilhelm Keppler, Hitler's personal economic advisor. Ter Meer's report on this meeting states in part:

Keppler considers the immediate construction of a large installation necessary. Through the fast progress in motorizing the Army, it will be necessary to deal with the problem of synthetic rubber most emphatically. This was a demand made by the Fuehrer, as well as by the military authorities, von Blomberg and Liscow.... After a long discussion the following procedure is intended:

- (1) The I. G. erects a factory, probably at Pilsenitz, with capacity of 200 to 250 tons of rubber per month and planned for an expansion to 1,000 tons per month.
- (2) The installation must be made as fast as possible. The stated time of erection of one year given without obligation will be shortened if possible.....
- (4) Keppler engages himself to negotiate with the military authorities and to obtain a guarantee for disposal for several years at a fixed price.....
- (6) The construction is to be started immediately, as soon as the anticipated disposal guarantees from the military authorities are available.

Subsequently, Keppler discussed the matter with Hitler, and then with the Reich Finance Minister, in order to obtain for Farben the necessary security to justify construction of the factory, which in fact was built the following year. Keppler's letter to Ter Meer's deputy, written after his conferences with Hitler and the Finance Minister, included the following:

As you know, the Fuehrer is greatly interested in speeding up the construction of the installation as much as possible. I, therefore, ask you to carry on with your planning work as before and to start building as soon as an agreement between us concerning the main questions is reached. This is also in accordance with the suggestion of your Dr. Ter Meer, in any case.

The year 1935 also witnessed the development of very close relations between Farben, through Carl Bosch and the defendant Krauch, and Hermann Goering, through General Erhardt Milch and other high officials of the Reich Air Ministry. Milch and a party of his subordinates visited the Farben plants on the upper Rhine in July 1935, and upon his return to Berlin, wrote to Krauch, in part as follows:

.....I would like to thank you specially for the friendly reception you gave us at Oppau. All participants were deeply impressed by the informative talks and demonstrations given there. I, myself, have immediately informed General Goering, who is also particularly interested in questions of this nature. As soon as he has finished his summer vacation, he plans to ask you to come for a leisurely visit to Kerinhell in the Schorfheid, in order that he, too, can discuss with you the long-range viewpoints.

Krauch acknowledged this letter equally cordially, expressing pleasure that Milch's visit had furnished the "opportunity to discuss all questions pertaining to German aviation." A few months later, Carl Bosch and Krauch, with other Farben officials, returned the visit as Milch's guests at the Air Ministry. The Farben thank-you note for this occasion stated that Bosch had made a report to the Central Committee of the Farben Vorstand in which he "emphasized how strongly the many new things which we were privileged to see on our visit to you impressed him." The more significant results of these state visits and politenesses were manifested the following year.

Wisdom after the event is a far more common human attribute than true foresight. In the retrospect of 1947, and with the information contained in these and other documents, it seems that any intelligent man should have realized, from the very moment of Hitler's seizure of power, that the Third Reich was headed inevitably toward war. And certainly there were many who did foresee and who gave warning. But, making every allowance for human credulity and indifference, and for the natural if lazy optimism which always prompts the hope that things will turn out all right somehow, the conclusion is inescapable that, long before the attack on Poland and well in advance of the Austrian and Czechoslovakian invasions, all highly placed officials of the Third Reich, and influential men who did business with them and had access to official information and opinion, must have known that war was bound to come, if they did not know just when or how it would first break out. And there is such evidence to suggest that the latest year in which such a conclusion must have forced itself upon the minds of such men is the year 1936.

In March 1936, the Third Reich put its small but burgeoning military strength to practical use for the first time, when German troops occupied the demilitarized zone of the Rhineland. This did not change the territorial boundaries of the Reich, but it altered the military situation very fundamentally, and it was the first time since 1918 that German troops, on German initiative, had marched to settle an international political issue by force.

But other events, less sensationally described in the newspapers, were probably of much deeper significance. Hjalmar Schacht, as Minister of Economics and Plenipotentiary General for War Economy, had been the leading figure in organizing the German economy for war. Many documents testify to the energy and determination with which Schacht had carried out this task. But, as the International Military Tribunal found:¹

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, pp. 307-08.

Schacht, by April 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when, on 16 October 1936, Goering was appointed Plenipotentiary for the Four Year Plan with the task of putting "the entire economy in a state of readiness for war" within four years. Schacht had opposed the announcement of this plan and the appointment of Goering to head it, and it is clear that Hitler's action represented a decision that Schacht's economic policies were too conservative for the drastic rearmament policy which Hitler wanted to put into effect.

After Goering's appointment, Schacht and Goering promptly became embroiled in a series of disputes....As a result of this dispute and of a bitter argument in which Hitler accused Schacht of upsetting his plans by his financial methods, Schacht went on leave of absence from the Ministry of Economics on 5 September 1937, and resigned as Minister of Economics and as Plenipotentiary General for War Economy on 16 November 1937.

The importance of the issues involved in this clash between Goering and Schacht can hardly be overstated. The International Military Tribunal found that:¹

Schacht, as early as 1936, began to advocate a limitation of the rearmament program for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war.

As between Goering and Schacht, and on the issues at stake between them, there was no question where Farben stood. Despite Schacht's position as Plenipotentiary General for War Economy, the contacts between Farben and Schacht had been conspicuously few. On the other hand, Farben's relationships with Goering's Air Ministry and with his Deputy, Milch, began immediately after the seizure of power, and steadily grew closer. For years Farben had been staking its future on synthetic products, particularly gasoline and rubber, and Goering, ebullient, optimistic, and extravagant, was the great protagonist of "a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht."²

It was no coincidence that Farben's contract of 1933 for synthetic gasoline was arranged through the Air Ministry after discussions with

1. Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, p. 309.

2. *Id.*, p. 307.

Milch. It was no coincidence that, when the same problem presented itself in the case of synthetic rubber in 1935, Farben did not go to Schacht who, whatever his faults, was no fool, and whose shrewdness was acknowledged among industrialists and financiers not only in Germany but internationally. Instead, they went to Keppler, a fly-by-night Nazi economist with little practical experience, who had Hitler's ear at the time, but who soon drifted off into shady diplomatic maneuverings. And, finally, it was no coincidence that the negotiations for the synthetic rubber contract in 1935 were contemporaneous with the exchange of visits between Farben and the Air Ministry upon which Goering, through Milch, expressed himself so benevolently.

In his new capacity as Coordinator for Raw Materials and Foreign Exchange, Goering called a meeting, on 26 May 1936, of his principal advisors on raw materials questions. The defendant Schmitz attended this meeting, together with representatives of the Ministries of War and Air, and other high government officials. Supply questions vital to "A-Fall" (the code name for "Case of War") were discussed. Goering emphasized that, once at war, Germany would be cut off from all oil imports; that since a mechanized army and navy was dependent upon oil, the waging of war hinged entirely on the solution of the oil problem. Goering also declared that "rubber is our weakest point." Every subject, including oil and rubber, was discussed at the meeting in the light of military requirements for waging war.

On 8 September 1936, at the Nazi Party rally in Nurnberg, Hitler announced the establishment of the Four Year Plan and the appointment of Goering as the Plenipotentiary in charge, with the task of putting "the entire economy in a state of readiness for war" in four years.¹ The Office of the Four Year Plan was charged with working out complete programs for the development of plant capacity in all fields vital to war mobilization, including chemicals, rubber, gasoline, and explosives. In a memorandum to Goering explaining the objectives of the Four Year Plan, Hitler stated that the final solution of Germany's problem lay in the acquisition of new territories; that such acquisition was the task of

1. Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, p. 308.

"the political leadership"; that in order for "the political leadership" to exercise its responsibilities, the German economy had to be mobilized for the purpose of making Germany self-sufficient in critical war materials.

It was the voice of Hitler but the task of Farben. For the first six months period, from October 1936 to May 1937, the projects of the Four Year Plan envisaged investments of nearly one billion Reichsmarks, chiefly in power, mineral oils, iron and other metals, textiles, chemicals, and explosives.¹ Approximately two-thirds of this entire amount was to be used for I. G. Farbenindustrie products. From these figures, it is easy to see how large a stake Farben had in the Four Year Plan, which Goering, over Schacht's objections, persuaded Hitler to adopt. It is equally easy to see how completely dependent Hitler and Goering were on Farben in the accomplishment of the Four Year Plan.

Shortly after the establishment of the Office of the Four Year Plan, and with full realization of the nature and purposes of that Office, as is apparent from the foregoing speeches and meetings, Carl Bosch recommended to Goering that he retain the defendant Krauch to advise in the planning and control of the chemical sector of the rearmament program. Krauch was appointed Chief of the Department for Research and Development in the Office of the Four Year Plan, the department responsible for making Germany self-sufficient for war.

Truly, there was no longer any doubt; Germany was heading for war at cosmic train speed. In December 1936, in Hitler's presence, Goering made a speech in the Preussenhof in Berlin in which he explained to a large audience of government officials and industrialists the aims of the Four Year Plan. Bosch and the defendants Krauch and von Schnitzler were present. Goering made clear the intention and decision of the Nazi government to wage war: "The battle which we are approaching demands a colossal measure of productive ability. No limit on the rearmament can be visualized. The only alternative in this case is victory or destruction. If we win, business will be sufficiently compensated." He ended

1. "Projects of General Planning", published by the Office for German Raw Materials and Synthetics, dated 27 May 1937.

his speech: "Our whole nation is at stake. We live in a time when the final battle is in sight. We are already on the threshold of mobilization and we are already at war. All that is lacking is the actual shooting." A few days later, von Schnitzler made a confidential report to the responsible officials of Farben on Hitler's and Goering's speeches "regarding the responsibilities of the German economy in the application of the Four Year Plan."

Symbolically enough, Farben's first plant for the large scale production of synthetic rubber was built in 1936 at Schkopau. The annual capacity was seventy thousand tons, and the total investment over four hundred million marks.

Security requirements, already stringent, were drawn even tighter. Farben plant managers had to obtain prior approval for all visits by foreigners wishing to inspect anything pertaining to "armament manufacture." How clearly these security requirements foreshadowed war is illustrated by a directive issued by Vermittlungsstelle W in December 1936, relating to war materials, explosives, chemical warfare material, fuels and lubricants of special types, and other strategic products. The directive stated:

For new processes in the fields mentioned, secrecy is a requirement in every case where, by this new process, completely new materials heretofore unknown are being produced or if materials already known can be produced in an essentially improved quality. Furthermore, secrecy may be mandatory for a new process if the strength in terms of economic self-sufficiency in the event of case "A" (Case of War) will be appreciably increased thereby for a potential opponent, for instance, if in the respective country the shortage of raw materials needed for the production of a war-essential product would be removed by the new process.

Farben's outposts abroad became increasingly a network for propaganda and espionage. In 1936, the defendant Ilgner made an extended tour of inspection of the Farben organizations in Latin America, and re-organized the work of Farben's Verbindungsmänner (information men). From then on, they were to submit monthly reports pertaining to economic, political and military matters. All reports "and interesting information" received from abroad were given to the Wehrwirtschaftsstab (Military Economics Staff), the OKW/Abwehr (Intelligence Division of the Wehrmacht), and the Auslands Organization (the foreign branch of the NSDAP). These

reports included political commentaries covering the composition of new governments, the effects of the Proclaimed List and the British Black List, political reactions within the respective countries to current events, pro-Axis and anti-Axis propaganda, the purpose of special diplomatic missions, and changes with respect to diplomatic representatives. Matters of military interest contained in these reports included additions to the merchant navies in various Latin American countries, reporting of ship movements, statistics of tonnage in ports, construction of new highways and bridges, and shipments of war materials to the United States and Great Britain.

1936 was indeed a fateful year. According to the defendant von Schnitzler:

....with the increased tempo after 1936, the Wehrmacht became the predominant factor in the whole picture. After 1934, a strong movement for investments in our plants for commodities of decisive military importance became more and more pronounced with the main objective of increasing the military potential of Germany. At first autarchic principles to make Germany independent of importation from abroad were one of the leading objectives. After 1936, the movement took on an entirely military character and military reasons stood in the foreground. Hand-in-hand with this, the relations between I. G. and the Wehrmacht became more and more intimate and a continuous union between I. G. officials on the one side and the Wehrmacht representatives on the other side was the consequence of it.

R. 1937

For German industry, 1937 was the year of mobilization plans. The Vermittlungsstelle W was the channel between Farben and the Ministries of War and Economics for the preparation of mobilization plans at Farben plants. For example, the defendant Buchner conducted so-called "tactical exercises" at his Leverkusen plant, following which the Vermittlungsstelle W wrote him:

In connection with the tactical exercises, we had already discussed with you the formulation of plans for Leverkusen which are being commenced. In preparation for this, we should very much like to receive a list in which the individual departments of Leverkusen are listed and clearly designated. This list should differentiate between the following three sections:

- (1) Plants which must be on a full production basis in A-Fall.
- (2) Plants (intermediates and final processing) which will only operate on a limited scale.
- (3) Plants for which it can already be determined that they will not run during the war.

The Vermittlungsstelle W continued throughout the year to coordinate the plans for conversion of the various plants to a war economy. These plans covered such questions as which processes and products, useful only in peacetime, could be dispensed with under the stress of war, which would have to be rapidly expanded, and how to meet the problems presented by drafting employees into military service. By the middle of the year, the majority of the Farben plants had been fully advised by the Vermittlungsstelle W as to the nature and aims of the mobilization tasks to be carried out. Arrangements were under way to furnish the plants with the necessary personnel and materials to carry out the mobilization plans.

The mobilization of the German economy was symbolized by a ritual which gave the principal German industrialists semi-military status, though they wore no uniform. In March, various high ranking Farben officials were informed by letter that the Reichminister for War and Commander-in-Chief of the Armed Forces (von Blomberg) had ordered that:

....a leadership corps for military economy be set up immediately. The war economy leaders shall be responsible collaborators of the Wehrmacht in preparing and carrying out the mobilization of the armament industry and in the conduct of war. Their significance, their tasks, and duties in connection with armament economy, places them in a position corresponding approximately to that of reserve officers on active duty.

The authority and functions of the "war economy leaders" (Wirtschaftsfuehrer) were described by General Warlimont, of the Military Economics Staff of the Wehrmacht, in part as follows:

A. In Peace time:

1. to adjust, to the greatest possible extent, the armaments factories to eventual mobilization needs, especially to give assistance in the preparations to meet their Work Schedule;
2. to do the compulsory drill which would train and give them experience in the duties provided for them when mobilization takes place;.....
5. to prepare for, and carry out, the necessary measures to protect the factory during an air raid and to train employees in their tasks during an air raid;
6. to prepare and administer security measures within the factory.

B. In War time:

1. to convert existing armament factories, and to organize new armament factories for wartime manufacture, in accordance with the mobilization schedule of the factory;
2. to manage the factory so as to safeguard the interests of National Defense;
3. to strengthen the War Economic offices and the staffs of the Wehrmacht (Armed Forces).

The defendants Krauch and Schmitz were appointed War Economy Leaders in 1938, and subsequently von Schnitzler, Gajewski, Ter Meer, Ambros, Buerger, Justefisch, Ilgner, Jaehne, Lautenschlaeger, and Furster were designated.

In 1937, Farben's activities in the munitions field were intensified. Farben's Bitterfeld plant was busy with the "technical development of the modern electron thermitic incendiary bomb". The army was worried about "a great shortage in the glycerine supplies", and Farben constructed a secret "standby" plant for the production of diglycol at Wolfen. When another chemical firm made inquiries with respect to this secret plant, Farben replied that it "was originally planned merely as a standby plant in case of war" and that "we are bound to strictest secrecy and would need official approval" in order to discuss the matter with other chemical firms.

In September 1937, Farben's newly born Commercial Committee re-emphasized Farben's political outlook. The Committee agreed that:

Under no circumstances should anybody be assigned to I. G. Farben agencies abroad who is not a member of the German Labor Front and whose positive attitude to the new era has not been established beyond any doubt. Gentlemen who are sent abroad should be made to realize that it is their special duty to represent National Socialist Germany. They are particularly reminded that as soon as they arrive they are to contact the local or regional group of Germans abroad and are expected to attend regularly their meetings as well as those of the Labor Front.

In the summer of 1937, the defendant Krauch, with other high government officials, met in Goering's office to discuss the scarcity of iron and steel. Goering stated:

At a time like this, we cannot export one-third of our total iron production.....On a ton of semi-manufactured goods we sell abroad, we realize just about 100 marks in foreign exchange. On the other hand, if we take a ton of iron and use

it up in construction plants of the Four Year Plan, then in most cases I have found the saving in foreign exchange to be four or five times, even six or ten times as great....The Four Year Plan will do its share to create a foundation upon which preparation for war may be accelerated.....In the armed forces, those undertakings must receive first consideration which manufacture materials requiring a long period of construction. Warships by all means must get their supply of iron. Guns for battleships and other big guns fall in the same class.... We cannot give southeastern Europe any more semi-manufactured goods for their wheat.....Without compelling economic or political reasons, I shall not export any more semi-manufactured goods.....The export (of iron and steel) may lead easily to the facilitation of the armament of the enemy. I am thinking for instance, of heavy plates which are needed abroad by the armament industry.

The response, by a representative of the iron and steel industry, reflected the tense atmosphere of the meeting:

In regard to the shipment of iron to the so-called enemy countries like England, France, Belgium, Russia, and Czechoslovakia, only six percent of our export goes there. That does not help the British to keep up their armament.

The reference to the "so-called enemy countries" was no empty figure of speech. The weapons of war were being forged with terrifying rapidity, and the moment for their use was close at hand. Late in November, Hitler summoned his foreign ministers and the four chiefs of the armed services including Hermann Goering, the Commander-in-Chief of the Luftwaffe. What was said is set forth at length in the Judgment of the International Military Tribunal.¹ Hitler announced his "irrevocable decision to solve the German space problem", and indicated that the first steps would be the conquest of Austria and Czechoslovakia. Thereafter as the International Military Tribunal found: "This decision to seize Austria and Czechoslovakia was discussed in some detail; the action was to be taken as soon as a favorable opportunity presented itself". Such an opportunity was found within four months in the case of Austria and ten months for Czechoslovakia. The Shadow of the Third Reich was darkening; the German war machine, built by Farben and other German industrialists and assembled by the Wehrmacht, was about to be set in motion.

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, pp. 189-192.

COUNT ONE:
PLANS, PREPARATIONS, INITIATION OF INVASIONS,
AND INITIATION AND WAGING OF AGGRESSIVE WARS

As we approach the time of arms and conquest, it will be useful to take a close look at Farben's position in the Third Reich. We have seen the defendants establish relations with Hitler in 1932, help him to power in 1933, and bend their energies to the armament program. The documents have shown their great success in winning the support of Goering and other high officials, and the enviable position they attained through the decline of Schacht's power and the adoption of the Four Year Plan.

But it must not be overlooked that, on matters not clearly covered by the platform, there were many shades of opinion in the Nazi party. This was true among both the leaders and the rank-and-file. The party had won many recruits from those who had no use for capitalists and big corporations. Among this so-called "radical wing" of the party the terms "capitalist" and "Jew" were often coupled. And the Nazi party press often gave expression - sometimes very emphatically - to such views.

This Nazi form of anti-capitalism was a continuing source of concern to the defendants. It was not very prevalent among the men with whom they had chiefly dealt, such as Goering, Milch, and the Wehrmacht officers. But new situations arose, beginning in 1938, as the result of territorial expansion. There were valuable chemical and other properties in the countries about to be occupied, and Farben had its own private war to wage for the acquisition of those properties and the aggrandizement of the Farben empire. From the owners of these concerns, Farben had little to fear, but it was bound to face competition and opposition from other powers in Germany. Voices were bound to be heard in opposition to the "claims" of big corporations like Farben, and on behalf of state ownership, or of other claimants. In this respect, Farben learned much and quickly from the occupation of Austria.

A. 1938

As the course of conquest unfolds, so will the tactics adopted by Farben to meet these new problems. In 1938, the defendants had already



become acutely conscious of the need for "acceptance" of Farben, despite its size and wealth, on a broader basis within the Nazi party. On 31 July, an article on Farben appeared in the official Nazi organ, the Voelkischer Beobachter. It was written by Dr. Fritz Nonnenbruch, the chief editor, and its contents illustrated, at one and the same time, the vital role of Farben in the German war economy, and the overtones of hostility in certain party circles which Farben was seeking to overcome. It read, in part:

Chemistry, in these years, is exerting an influence on national production to an extent which, in spite of the importance which the chemical industry already had previously, could not have been foreseen. What the chemical industry is today is evident from the fact that it, above all, has succeeded in securing national independence with regard to raw materials, an accomplishment which, previously, had frequently been considered impossible. One of the piers of the bridge across this "impossible" is I. G. Farben. One could judge this enterprise as one wished and in a manner which formerly was perhaps justified; now this enterprise is a bastion in Germany's struggle for independence with regard to raw materials.

It is sufficient to quote the terms synthetic gasoline and synthetic rubber. The value of these two processes alone to German national economy cannot be expressed in terms of money, any more than the price of a glass of water to a person who needs this water urgently for the preservation of his life. The fact that we have synthetic gasoline and synthetic rubber not only enriches our production, but it is more, it is a contribution to the safeguarding of our liberty. Synthetic gasoline and synthetic rubber are not the only products the I. G. Farben has given us, following the supply in former years of synthetic nitrogen to the German nation by the plants of this enterprise.....

It is important, however, that I. G. Farben, had it not been the major combine that it is, would not have been able to develop its chemical processes. What could we have done during the World War without artificial nitrogen? What would we do now without synthetic gasoline and synthetic rubber? And how restricted would be our hopes if we had not positive knowledge of new synthetic processes which will follow? These achievements confirm the necessity of major combines.

Even more interesting is the letter under cover of which a copy of this article was forwarded to the defendant von Schnitzler. In the letter, the author commented that: "It is the first time that, out of this political atmosphere, the fundamental question of the rights of large combines such as I. G. Farben has been dealt with in such a positive manner." The writer further commented that the article was

written "after Dr. Nonnenbruch had visited Leverkusen" and "after personal relations between him and myself had been improved at every available opportunity." The writer of the letter was chief of the press section of Farben's NW 7 office, and an immediate subordinate of the defendant Ilgner. The defendants were resourceful men.

1. Invasion and Occupation of Austria

On 12 March, 1938, Germany invaded Austria. This move was, as the International Military Tribunal found,¹ a "premeditated aggressive step", but its timing was not planned in advance. On the contrary it was precipitated, unexpectedly even to Hitler, by Schusnigg's announcement on 9 March of a plebiscite on the question of Austrian independence.

For years Farben had coveted - and coveted in vain - Austria's biggest chemical enterprise, the gunpowder factory Skodwerke-Wetzler A.G., the majority interest in which was firmly held by one of Austria's principal banks, the Oesterreichische Kreditanstalt. Farben had contacted the general manager of Skodwerke-Wetzler A.G., Mr. Pollak, and had also sounded out the leading men of Kreditanstalt. But in spite of the pressure under which Austria was living after the murder of Dollfus, and in spite of the fact that Pollak was a Jew and had good reason to be apprehensive, all the attempts Farben had made to acquire the Skodwerke-Wetzler A.G. met with failure. As late as February, 1938, Pollak wrote to a Farben Vorstand member that "for reasons which are beyond our influence, it is not possible to relinquish our standpoint that the Kreditanstalt unconditionally must keep 51% of the shares (of Skodwerke-Wetzler A.G.) in its strict control....."

A month later, the invasion of Austria presented Farben with its golden opportunity. Goering promptly gave directions for the extension of the Four Year Plan to Austria, and Farben equally promptly expressed its willingness to "participate in the reconstruction of Austria" and "placed its cooperation at the disposal of the authorities". As early as 9 April, Farben had prepared recommendations entitled the "New Order of the Major Chemical Industries of Austria", which was signed by the

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 192.

defendants Hasfliger and Kugler. This document was distributed to, among others, Hitler's former economic advisor, Wilhelm Keppler, with whom Farben had had dealings on synthetic rubber matters, and who by now was a high official of the German Foreign Office in Vienna. So bald was Farben's demand that the Austrian chemical industries be allocated lock, stock, and barrel to Farben, that Keppler's first reaction was to inquire sarcastically "whether the I.O. was intending to swallow the whole of the Austrian chemical industry."

But Farben's tactics were much more varied and far less delectable. Whatever appealed to the Nazi mind was shamelessly used as an inducement. In its reports to the German government, Farben repeatedly pointed to the fact that there were many Jews in the Austrian chemical who should be replaced by people of Aryan lineage, particularly by Farben people. At a meeting of Farben's Commercial Committee in June 1938 it was agreed that: "In order to safeguard uniform Farben interests, all non-Aryans employed by the Austrian organizations, in accordance with the directives issued by Geheimrat Schmitz, should be given leave of absence, i.e., should be dismissed at the earliest possible date. Likewise, the members of Aufsichtsrat and Verwaltungsrat, insofar as they are non-Aryans, are to be asked to give up their mandates." And in the "New Order" report of Hasfliger and Kugler, anti-Semitism was neatly coupled with the familiar appeal to the necessities of the Four Year Plan, and the two were advanced as the reasons why Farben's proposals should be brought "to a speedy conclusion":

- a) The leading officials - it is true - have been in the meantime replaced by Aryans. The equally necessary reorganization of personnel in subordinate positions can be completed appropriately and with a long-range view only when a clear picture of the future situation exists.....
- c) The groundwork should be laid immediately to prepare assignments to be carried out by the chemical industry of Austria within the framework of the Four Year Plan.

By such tactics, and after intervention by a number of Farben directors, including the defendants Ilgner, Kugler, Hasfliger, and Gattineau with Nazi bigwigs such as Seyss-Inquart and Keppler, Farben carried the day. Farben's contacts with the Nazi leaders in Austria.

was greatly aided by the fact that Farben had given a timely retainer to a notorious Austrian Nazi, Dr. Neubacher, who was personally appointed Mayor of Vienna by Goering soon after the "Anschluss" and who proved extremely helpful to Farben's Austrian activities. Pollok, the Jewish manager of the Skodawerke-Wetaler, called in the Farben representative in Vienna and surrendered his desk. The Kreditanstalt bowed to force. The Skodawerke became part of the Farben empire.

This acquisition was but one step in Farben's subjugation of Austria's chemical industry. Others were to follow in which similar tactics were employed. The full story of Farben's industrial plunder in Austria will be set forth when the prosecution presents its evidence under Count Two of the indictment.

But while the acts which we have just described constitute a separate crime under Count Two of the indictment, they are equally criminal under Count One, and the charges with respect to plunder and spoliation are incorporated in Count One by virtue of paragraph 84 of the indictment. These acts were an intrinsic part of the invasion of Austria, and the invasion clearly constituted a "crime against peace" within the meaning of Control Council Law No. 10. And the occupation of Austria, including the conversion of Austrian industry in conformity with the needs of the Four Year Plan, was part of Germany's preparation for the aggressive wars which were to be launched in the near future. In the conversion of the Austrian chemical industry, Farben, of course, played the leading role.

2. More Preparations

1938 witnessed an intensified development of the industrial mobilization plans which had been prepared at all Farben plants the previous year. In May 1938, a conference of all Farben's war plant managers was called by the Vermittlungsstelle W to perfect the mobilization plans and to discuss personnel problems which would arise "in case of mobilization" and the calling of all able-bodied men in the Third Reich for military service. The minutes of this conference were distributed to the army officials and heads of draft boards in the various military districts. Throughout the entire year, in every important committee of I. G. Farben including the Technical Committee, the Commercial

Committee and the Dyestuffs and Chemicals Committees, "Mob-Plans were intensively discussed with a view to perfecting them for immediate execution upon the outbreak of war."

In the summer of 1938, with the invasion of Czechoslovakia imminent, Farben took the initiative in reorganizing the chemical program outlined by the Four Year Plan in line with the requirements for waging war. Goering took measures to speed up the program for chemical warfare and explosives after the defendant Krauch had pointed out to him that the figures being relied on by Goering in preparation for war were incorrect, and the danger of making war plans on an inaccurate basis. On 12 July 1938, Krauch and Goering worked out the so-called "Karin Hall Plan" (also called the "Krauch Plan"), which contained a new program for chemical warfare agents (poison gas), explosives, rubber and gasoline. The administrative basis of the plan had been prepared by the defendant Ambros a few days prior thereto. Thereafter, Krauch was appointed by Goering as Plenipotentiary General of the Four Year Plan for Special Questions of Chemical Production, and was vested with the administrative powers suggested by Ambros. With the assistance of key technical men of Farben, Krauch prepared special mobilization plans for the chemical industry, including an allocation and priority system for labor and building materials.

In the summer of 1938, Farben's war activities became almost frenzied. Additional "War Deliveries Contracts" were concluded with the Wehrmacht. All of these contracts specified the amount and terms of deliveries which would be undertaken by Farben "in the event of mobilization". The problem of storage facilities for future deliveries was investigated by Vermittlungsstelle W. The Army Ordnance Office ordered the Vermittlungsstelle to increase production capacity at the Wolfen plant "to the greatest capacity possible at the present time." Leverkusen shipped out numerous cases of war gases.

In July, with the international situation growing tenser, the Reich Air Ministry became alarmed because Farben's output of tetraethyl lead, essential in the manufacture of high octane aviation gasoline, was not being produced in sufficient quantities for war purposes. Farben was producing sufficient tetraethyl lead for Germany's peace

needs and was expanding its plant to meet war requirements, but the danger of immediate war was thought great enough so that the Air Ministry urgently requested Farben to obtain from abroad and store five hundred tons of tetraethyl lead to tide the Luftwaffe over until Farben's plant could make up the deficiency.

A member of the Farben Technical Committee, Mueller-Gunradi, immediately got in touch with the London representative of the Ethyl Export Corporation, an American concern. Farben arranged to "borrow" five hundred tons of tetraethyl lead, and agreed to return it to the Ethyl Export Corporation by the end of 1939. The loan was secured by the deposit of approximately one million dollars as collateral. Farben explained to the Ethyl Export Corporation that:

The addition of tetraethyl lead to automobile gasoline depends on a sufficient reserve of tetraethyl lead in Germany.

Having secured the lead by this misrepresentation, Farben, of course, failed to return it at the end of 1939, and the collateral was forfeited.

With the approach of the Munich crisis, matters reached such a pitch that it was impossible for Farben officials, or indeed any other responsible officials or industrialists, to believe that the enormous production of armaments, reaching unbelievable proportions in 1938, could have any other meaning but that the Third Reich intended to wage war. It was quite impossible to believe that such enormous armaments were for defensive purposes. Immediately prior to the Munich conference of September 1938, and in order to prevent the seizure of Farben's foreign assets, special procedures were worked out by Farben, in consultation with government officials, authorizing Farben to camouflage or "cloak" its foreign assets through transfers to neutral trustees.

3. Invasion and Occupation of the Sudetenland

During the seizure of Austria, it was Germany's policy to quiet the understandable fears of Czechoslovakia with soothing words. Goering and other Nazi officials repeatedly assured the Czech representatives that their country had no reason to be apprehensive. But late in March, Conrad Henlein, leader of the Sudeten German party in Czechoslovakia, met with Hitler in Berlin, and thereafter conferences between

Hitler and his military leaders culminated, late in May, in a secret order to prepare for military action against the Czechs by 1 October, 1938. As the International Military Tribunal found:¹ "These facts demonstrate that the invasion of Czechoslovakia had been planned in detail long before the Munich conference."

Ferben was keenly alive to the prospect of annexation of the Sudetenland, and immediately "tackled the problem of what would happen if Sudeten-Czechoslovakia, and therewith the plants Aussig, Falkenau, and possibly Bruchau, should be incorporated into Germany". The Aussig and Falkenau plants, both located in the Sudetenland, belonged to the largest chemical concern in Czechoslovakia, the Prager Verein, which was in sharp competition with Ferben, particularly in southeastern Europe. As early as 2 April, the defendant Haeffliger sounded out Kappler with respect to acquiring the Aussig plant, and reported: "Evidently he is very much interested in the idea".

On 23 May 1938, four months before the invasion of Czechoslovakia, and one week before Hitler's secret order to prepare for military action, a conference took place at Ferben's Berlin NW 7 office, attended by the defendant Kugler. The conferees discussed the elimination of the only two persons of non-Aryan descent in Ferben's sales agencies in Prague, and the dismissal of Czech nationals from executive positions. The meeting decided that:

Our aim should be to prevent authorized sellers of I. G. products abroad from having to be in any way dependent upon Jewish banks, since we would otherwise be branded with the stigma of cooperating with Jewish firms. Furthermore, such conditions of ownership could possibly deprive us of the liberty of directing our agencies at will, as our experience in Austria had shown, if such Jewish banks should come under the direction of trustees appointed by the Government (Kommissars)."

The meeting also deemed it expedient: "to begin immediately and with the greatest possible speed to employ Sudeten Germans for the purpose of training them with I. G. in order to build up reserves to be employed later in Czechoslovakia."

In July-1938, a report on the chemical industries of Czechoslovakia

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 196.

was prepared for the Commercial Committee of Farben, and thereafter Farben initiated discussions with the interested German authorities and recommended that its representatives be appointed commissioners to take over the operation and management of the chemical industries of the Sudetenland and integrate their production to the Four Year Plan. The more German pressure against Czechoslovakia increased, the more urgent became Farben's attempts to convince the Government that as soon as the Sudetenland was annexed by Germany, it was Farben which should manage the plants. On 23 September, 1938, the defendant Kuehne was pleased to learn from Ter Meer and von Schnitzler "the pleasant news that you have succeeded in making the competent authorities appreciate our interest in Aussig, and that you have already suggested commissioners to the authorities, viz. Dr. Wurster and Kugler."

Again, on 29 September, 1938, the day that the Munich Pact was signed, the defendant von Schnitzler reported on a meeting with Keppler: "The negotiations have been successful insofar as all parties acknowledge that as soon as the German Sudetenland comes under German jurisdiction, all the works situated in this zone and belonging to the Aussig Union, irrespective of the future settlement of accounts with the head office in Prague, must be managed by trustees 'for account of whom it may concern'." The defendant Kugler (together with a Sudeten German engineer) was appointed "commissioner for the maintenance of the plants". The next day the defendant Schmitz wired Hitler that he was "profoundly impressed by the return of Sudeten-Germany to the Reich; which you, My Fuehrer, have achieved", and that Farben "puts an amount of half a million reichsmarks at your disposal for use in the Sudeten-German territory". On 1 October, German troops entered the Sudetenland. On 3 October, Falkenstein was occupied; and on 9 October, Aussig. After various forms of duress had been applied by German officials, at the instigation of Farben, to force the Prager Verein, against its will, to "sell" its Sudeten plants, formal "negotiations" started at a meeting in Berlin in November at which the defendants Schmitz, von Schnitzler, Ilgner, Kuehne, and Kugler were present. A series of conferences culminated in a meeting in December at which the defendant

von Schnitzler presided. He told the representatives of the Prager Verein that he knew that they were trying to sabotage the deal and that he was, therefore, going to report to the German government that because of the attitude of the Prager Verein, social peace in the Sudeten area was being menaced, that unrest could be expected at any moment, and that the responsibility would fall upon the Prager Verein. The representatives of the Prager Verein thereupon sought advice from the Czechoslovakian government and were advised to do the best they could. The next day the agreement for the sale of the property was signed.

The defendants had good reason to conduct these "negotiations" with arrogant confidence. Hitler had been able to prevail at Munich on the basis of solemn public assurances that, after the Sudeten problem was solved: ¹ "There will be no more territorial problems for Germany in Europe....I will be no longer interested in the Czech State, and as far as I am concerned I will guarantee it. We don't want any Czechs". These assurances prompted Chamberlain's hope for "peace in our time".

But the defendants knew better and every responsible official in Germany knew better. On 21 October, another secret directive from Hitler to the armed forces specified, as one of the tasks for which the Wehrmacht must be prepared, the "liquidation of the remainder of Czechoslovakia." ² One week earlier, Goering called a conference of important government officials, at which the defendant Krauch was present. Goering announced that Hitler had ordered him "to carry out a gigantic program compared to which previous achievements are insignificant". He stated that within the shortest possible time "the Air Force is to be increased five fold", that naval armament should be expedited, and that "the Army should procure large amounts of defensive weapons at the fastest rate, particularly heavy artillery pieces and heavy tanks". The notes of this conference also state:

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 197.

2. Ibid.

The Sudetenland has to be exploited with all means. General Field Marshal Goering counts upon willing economic collaboration by the Slovaks. Czechs and Slovaks would form German dominions. They must be exploited to the utmost.... Searches for oil and ore must be conducted in Slovakia by State Secretary Keppler.

The defendant Krauch may tell us that he did not believe what he heard. But the brow-beating of the Czech businessmen by the defendants, which occurred during those same weeks, is a more reliable guide to the Farben attitude. And by March of the following year, the march of events amply confirmed Goering's words.

B. 1939 and After

As the decisive year of 1939 began, Hjalmar Schacht made a last bid to revive his influence in the Third Reich. He had been replaced by Goering as the central figure in the armament effort in 1937, and in that year had resigned both from his position as Minister of Economics and as Plenipotentiary General for War Economy. But he had stayed on as president of the Reichsbank, which continued to function as the financial agent of the Reich in floating loans to finance Goering's armament program. At the end of 1938, with the Reich treasury nearly empty, Schacht seized upon the issue presented by the fiscal crisis, and in January 1939, both orally and in a report signed by the directors of the Reichsbank, he urged a drastic curtailment of armament expenditures in order to balance the budget and prevent inflation. Hitler's answer was to dismiss Schacht as president of the Reichsbank. Schacht retained the empty title of Reichminister without Portfolio until 1943, but he had lost all influence with the Nazis, and ceased to play any effective part in government affairs.

In fact, events were moving rapidly in the opposite direction. In the middle of March 1939, broken by Goering's threat to destroy Prague from the air, the Czech president signed the agreement for the occupation of Bohemia and Moravia by German troops. These two provinces became a protectorate of the Reich, and Slovakia a minor "satellite" power. The conquest of all of Czechoslovakia opened up new fields of industrial plunder for Farben, which were promptly exploited by the defendants.

Farben's mobilization for war was by now virtually complete. A report written to the defendant von Kries in June 1939 and circulated

to most of the defendants read: "While three or four years ago, only isolated sections within I. G. were engaged on work concerning Wehrmacht problems, at present there is experimental work in progress in almost all major I. G. plants, which is being carried on either directly at the order of the Wehrmacht or in which the Wehrmacht is taking an active part either due to the particular nature of the problems in question or through providing experts to participate in the work." In February, 1939, Wehrmacht officers from the Ordnance Office made an extended inspection tour of Farben's explosives plants. A new production plan for explosives, known as the "Rapid Plan", was developed, so that the more important explosives products were given production priority, and other changes were made to meet the needs of the emergency. The same month, a general conference of the mobilization managers of the larger Farben plants was called, and in the spring the final mobilization plans were approved by the Reich Economic Group for Chemistry.

In March, the defendant von Kieriem and his Legal Committee recommended that drastic measures be taken to plan the camouflage of Farben's foreign holdings in order to protect them from seizure by the enemy. These measures not only served the interests of Farben, but enabled its foreign empire to promote the government's foreign activities. The Committee's report, which was circulated to the defendants von Schnitzler, Ter Meer, and others, stated:

.....the risk of seizure of the sales organizations in the event of war is minimized if the holders of shares or similar interests are neutrals residing in neutral countries. Such a distribution of holdings of shares or other interests has the further advantage of forestalling any conflicts troubling the conscience of an enemy national who will inevitably be caught between his patriotic feelings and his loyalty to I. G. A further advantage is that the neutral, in case of war, generally retains his freedom of movement, while enemy nationals are frequently called into the service of their country, in various capacities, and, therefore, can no longer take care of business matters.

Nevertheless, it is obvious that transfers of shares or similar interests in our sales companies to neutrals residing in neutral countries cannot be handled uniformly in all cases and without consideration of other aspects. To mention just two of these, an accumulation of such shareholdings in the few countries that will presumably remain neutral would arouse suspicion, and the number of trustworthy persons who can be considered as suitable holders of such shares or similar interests is limited. In addition, it is necessary that protective measures be taken by I.G.

for the eventuality of war should not substantially interfere with the conduct of business in normal times. For a variety of reasons, it is of the greatest importance for the normal conduct of business that the officials heading the agent firms who are particularly well qualified to serve as cloaks, should be citizens of the countries wherein they reside.

1. The Invasion and Occupation of Poland

On 23 May 1939, Hitler called a meeting of the leaders of the Wehrmacht. Goering was present as Commander-in-Chief of the Luftwaffe, and the group also included Milch and other high ranking officers from the Luftwaffe and Air Ministry, with which Farben had dealt so closely. They heard Hitler say, among other things:

A mass of 80,000,000 people have solved the ideological problems. So, too, must the economic problems be solved....This is impossible without invasion of foreign states or attacks upon foreign property.....Further successes cannot be obtained without the shedding of blood. Danzig is not the subject of the dispute at all. It is a question of expanding our living space in the East and of securing our food supplies, of a settlement of the Baltic problem.....The population of non-German areas will perform no military service, but will be available as a source of labor....There is, therefore, no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czechoslovakian affair. There will be war....

Hitler's decision can hardly have come as a surprise to any of those present. The occupation of Austria, the Sudetenland crisis, and the breach of the Munich Agreement by the occupation of Bohemia and Moravia, were fresh in their minds. Time after time Hitler had proclaimed Germany's peaceful intentions, and just as often Germany's acts had belied these protestations.

Nor were the conferees the only ones who knew what terrible events were in the offing. The frenzied pace of the German armament effort, the events of the recent months, and the widely publicized objectives of the Nazi party made the future only too clear. If one may concede room for doubt before 1939, after the Wehrmacht's entry into Prague no one could longer doubt that the Third Reich was ready for war. The tension which lay over Europe became nearly intolerable, and Germany was in a constant condition of emergency mobilization. Industrial mobilization had been planned down to the last detail. During the summer, incidents

began to "boom" along the German-Polish border, and riots "broke out" in Danzig. These echoes of the Sudetanland crisis were well understood by intelligent, influential, and well informed men such as the defendants. They knew that Germany would attack Poland, if that unhappy country refused to give in without a struggle.

The defendant Krauch was at Goering's right hand, and several others were working closely with Krauch. Many of the defendants were in key positions in the government or the semi-official Economic Group Chemical Industry. All major Farben projects and policies within the armament effort had been approved in meetings of the Vorstand. It seems superfluous to mention particular meetings at which high government officials informed Farben that war was bound to come; certainly many of these defendants knew the truth far better than those who presumed to whisper state secrets in their ears. But it is perhaps worth mentioning that, in July 1939, the defendant von Schnitzler conferred in Berlin, as was his monthly custom, with a high official of the Reich Economics Ministry named Ungewitter. Ungewitter, speaking on behalf of the Four Year Plan, told von Schnitzler that Hitler was determined to invade Poland and that, in view of the guarantees which had been extended to Poland by England and France, Germany must be prepared for an attack on its western frontier. Ungewitter had also made similar statements to others among the defendants, such as Ter Meer, Wurster, and Asbrce.

On 2 August, Ungewitter, as Reich Commissioner for Chemistry, gave Farben the alert signal for war. Through the Vermittlungsstelle W, instructions were given as follows:

The basic principles should be that the raw and auxiliary materials necessary for the execution of the mobilization orders issued to you.....will be held in stock by you for a certain period. In agreement with the Reich Ministry of Economics, I accordingly direct you to stockpile that amount of the raw and auxiliary materials indicated by you as necessary for the execution of the mobilization order, which would cover the requirements for three months....It is incumbent upon you to register as priority transports the quantities of these materials required for the first four weeks from the beginning of mobilization with the military economic department concerned.....Please inform me as soon as possible that the directives issued to you for stockpiling have been carried out.

The Vermittlungsstelle W immediately passed these instructions to the Farben plants, and was soon able to inform Ungewitter that they were prepared. The time had come for putting into effect the "cloaking" plans for Farben's foreign assets which the defendant von Knieriem had devised. As this program, known among the defendants as "tarnung" (camouflage), was put into effect, Farben explained to the Reich Minister of Economics:

We declare that we shall have unrestricted influence upon the foreign companies, even after the carrying out of the measures aimed at, and that we are preparing and in a position to insure that all foreign values on hand will be delivered to the Reichsbank either directly by way of the export proceeds, or via Stockholm as indicated in our proposal.... We declare, moreover, that the decisive real influence we shall have on the foreign sales companies, even after the carrying out of the new requirements, will be sufficient in every respect to answer the requirements of the German governmental and party authorities with regard to personnel and political questions. We shall always be able to eliminate from our sales business those individuals who are unsuitable or suspect because of their political position and to insure that no conflicts arise between the staff of our foreign economic sales organization and the general German viewpoint and government and economic policy.

But, as we have seen before, it is from the defendants' greed for power and plunder that we derive the clearest evidence of their knowledge and intentions. While von Knieriem and von Zock were deploying the German legions on the Polish frontier in accordance with their plan of attack, Farben was carefully surveying the Polish chemical industries in anticipation of the benefits to be derived from conquest. On 28 July 1939, a comprehensive report was prepared under the direction of the defendant Ilmer, which was entitled "The Most Important Chemical Plants in Poland", and which set forth a detailed description of the physical structure of these plants, the products they manufactured, their adaptability to the German war economy, and the names of their owners and directors.

On 28 August, the Vermittlungsstelle W notified the Farben plants that it could, for the time being, be reached day and night by telephone and teletype. That day or the next, the defendant Schneider, head of Sparte I, called a meeting of the department chiefs of the Leuna plant and informed them that the order for the mobilization of the plants had been given. Schneider closed the discussion with the words: "This is war."

On 1 September 1939, the Wehrmacht invaded Poland. As the International Military Tribunal found, the war initiated by Germany against Poland "was most plainly an aggressive war which was to develop in due course into a war which embraced almost the whole world and resulted in the commission of countless crimes, both against the laws and customs of war, and against humanity."

On the day of the Polish invasion, the famous German steel magnate, Fritz Thyssen, who had been one of Hitler's earliest supporters among the industrialists, fled from Germany, and, as a member of the Reichstag, directed that his vote be cast against the declaration of war. One week after the declaration of war, von Schnitzler and others among the defendants started to carry out their program for the seizure of the Polish chemical industries for Farben's benefit.

2. The War Years

Farben's plans for war had been so carefully laid that the actual outbreak of war created no major problems. By a telegram from the Vermittlungsstelle W sent at the orders of the Reich Economy Ministry, all Farben plants were ordered "to switch at once to the production outlined in the mobilization program."

The war which Farben had done so much to make possible had finally come to pass, and Farben continued to function as a vital source of materials and weapons for the German military machine. New and enormous plants were constructed for the production of nitrogen, methanol, and synthetic fuels. Two buna rubber plants had been built before the war, and two more were added in 1941 of which one was located outside the Reich at Auschwitz, and of which we will hear much more shortly. In anticipation of the possibility that poison gas would be used again, Farben built several large installations for its production. It is interesting to note that Farben went to great lengths to conceal its poison gas activities by the formation of subsidiary corporations with unrevealing names such as "Iuranil" and "Amorgane", and the contracts with the Wehrmacht for

I. Judgment of the International Military Tribunal, Vol I, Trial of the Major War Criminals, p. 204.

poison gas production were made in the names of such dummy subsidiaries.

Farben, in short, having planned, prepared, and initiated invasions and aggressive wars, proceeded to devote all its energies to the waging of war. Within Germany, it was the arsenal of the Third Reich. In the occupied countries, it was heavily engaged in its plans for industrial spoliation which will be outlined under Count Two of the Indictment. Both within the Reich and in the occupied territories, it was heavily involved in the murderous slave labor program of the Third Reich, as will be set forth under Count Three of the Indictment.

But the evidence under Count One does not close with the year 1939. Two years elapsed before the tide of war reached the western hemisphere, and during those years Farben continued to be an energetic and resourceful partner of the Nazi government in the fields of propaganda and intelligence, and was particularly effective in delaying the arming of the western countries to meet the German menace.

Farben's foreign intelligence activities were conducted chiefly through its foreign representatives, under the aegis of the defendant Ilgner and the Berlin NW 7 office, and with the cooperation of the Bayer Sales Agencies under the defendant Hama. The information network which Ilgner had built up proved sufficiently valuable so that in many cases Farben's agents (the so-called Verbindungsmann) were taken into the intelligence divisions of the Wehrmacht (OKW/Abwehr) and of the SS (Sicherheitsdienst). In Brazil, Peru, Chile, Venezuela, Ecuador, Mexico, and generally throughout Latin America, Farben representatives were the mainsprings of the local branches of the Nazi party, furnished propaganda services, and were a constant source of valuable information.

In addition, Farben assisted the German intelligence services by placing on its payroll, and sending abroad under its auspices, the regular officers and agents of the intelligence services. This device was frequently resorted to in the Balkan countries, Turkey, Spain, and Portugal.

Far more important than these intelligence activities was Farben's deliberate use of international cartel and syndicate arrangements to delude businessmen in other countries and thereby delay foreign research in connection with technical problems of strategic significance in the field of armaments. Activities of this type were of particular importance in the United States, which was the most highly industrialized and potentially powerful country in the world. Examples of Farben's use of cartels and trade agreements for aggressive purposes may be found in several fields. But the most significant instance was Farben's agreement with the Standard Oil Company of New Jersey.

Farben's contractual history with Standard Oil is an excellent illustration of the manner in which Farben, in close cooperation with the Nazi government, utilized international cartel arrangements in the interests of the German war economy. In 1929, shortly after Farben had developed its processes for the manufacture of synthetic fuels, an agreement was concluded between Farben and the Standard Oil, the general purport of which was that throughout the entire world, including the United States, Standard Oil recognized Farben's priority in the "chemical" business and that, except within Germany, Farben recognized Standard Oil's priority in the "oil" business. New "chemical" processes discovered by Standard Oil were to be turned over to Farben unless they bore a close relation to the "oil" business, and Farben entered into a reciprocal obligation with respect to developments related to the "oil or natural gas" business, except within Germany.

In 1930, Farben and Standard Oil entered into a further agreement, the purpose of which was stated to be "the desire and intention of the parties to develop and exploit their new chemical processes jointly on a basis of equality (50-50)". For this purpose, a jointly-owned corporation called Jasco was set up to test and develop new processes turned over to it by either Standard or Farben.

Both parties to the agreement realized that there was considerable overlap between the oil and chemical fields and that borderline cases would constantly arise. The nature of the "treaty" between Farben and

Standard Oil was well summarized in a letter written in 1936 by Frank A. Howard, president of the Standard Oil Development Company:

The I.G. may be said to be our general partner in the chemical business as to developments arising during the period beginning in 1929 and expiring in 1947. The desire and intention of both parties is to avoid competing with one another and by these means to permit their technical organizations to cooperate wholeheartedly to their mutual advantage.

1. The assumption is that the I.G. are going to stay out of the oil business proper, and we are going to stay out of the chemical business insofar as that has no bearing on the oil business.

Continued on next page

We have lived under the I.G. relationship for about one-half of the total term, considering the fact that the relationship actually began about two years before the contracts were actually executed. The chemical side of the arrangement has been satisfactory to both sides and profitable to us at least through this period. The arrangement is one which necessarily requires real good will on both sides. The personnel of the I.G. with whom we shall have to deal in this respect has changed somewhat during this ten-year period, but there is no indication that the new executives will not be able and willing to work with us in the same spirit of good will in which the earlier group worked.

Despite the general language of the Jasco agreement, however, it apparently was agreed on both sides that the development of synthetic rubber processes fell within its terms, and that new developments in the synthetic rubber field should be turned over to Jasco. A letter of Mr. Howard's written in 1940 states:

The Buna synthetic rubber development (to the extent the product was made from oil and natural gas raw materials) was recognized by both parties as coming within the field of this corporation.

As Mr. Howard put it, the arrangements between Farben and Standard Oil were such as to require "real good will on both sides". But the subsequent history of the parties' actions under the contract may best be summarized by stating that one of the parties was entirely trustworthy, and perhaps too trusting, whereas the other was not to be trusted at all. The Standard Oil Company observed the agreement meticulously and, as Mr. Howard's letter shows, was impressed with the "spirit of good will" on the part of Farben. Farben, on the contrary, throughout the period of the agreement, behaved with calculated deceitfulness, and its every move was made in consultation with the Nazi government and was directed to strengthen Germany's technical position and slow down research in the United States. As early as March 1934, Farben

instructed its subsidiary in New York, Chemnyco, which was negotiating with the Du Pont Company on nitrogen matters, not to indicate to Du Pont that the Nazi government might interest itself in the international interchange of technological processes. The letter states that: "We must not allow foreign industry to gain the impression that, in this respect, we are free to negotiate". And in 1935, a memorandum of a conference between Farben representatives and Wehrmacht officials stated:

The I.G. is bound by contract to an extensive exchange of experience with Standard. This position seems untenable as far as developmental work which is being carried out for the Reich Air Ministry is concerned.

In July, 1937, another such conference took place. The necessity was stressed of keeping Farben processes for the production of fuels and airplane gasoline secret except to the extent already known by foreigners and authorized by the Wehrmacht. The test agreed upon was whether there was immediate danger that foreigners would develop the process in the near future without benefit of the Farben "know-how". It was also agreed that false impressions were to be given by Farben to its foreign partners such as Standard Oil as to the scale of experiments being conducted by Farben.

Farben's cartel policy is stated bluntly in a memorandum which the defendant Bockfisch wrote in January, 1940. After reciting that "in the field of mineral oils" there were agreements for the exchange of technical experience between Farben and Standard Oil, it stated:

This exchange of experiences which the companies of the neutral countries handle still in the usual form and which is transmitted to us by way of Holland and Italy respectively, gives us, on the one hand, insight into the development work and into the intentions of the companies and their respective countries with regard to production, and informs us simultaneously on the progress of the technical development in the field of oils. In these reports on experiences, blueprints and technical details of the various experiences are given. The contractual obligation states that we, too, have to communicate abroad within the contractual limitations of our experiences in the field of oils. Up to now, we handled this exchange of experiences in such a way that we have given only reports which, after consultation with the OKW and the RWM, seemed to us unobjectionable and contained only such technical data as concerned known facts or such things as were technically outdated by the latest progress. By handling the agreements in this way we succeeded, viewed as a whole, in obtaining an advantage for German economy.

To keep up the contact with the neutral countries and their oil companies respectively, we consider it expedient to continue this exchange of experiences in the indicated form whereby it must remain decisive for us that under no circumstances experiences of military or defense-political importance get in this way abroad. In all doubtful cases, consultation with the competent agencies of the Reich must, therefore, be taken-up under all circumstances.

On this memorandum appears a handwritten note reading: "Agreed. Director, Dr. Buetefisch, is responsible that nothing of military or defense-political importance gets abroad". This note was initialed by Hermann Goering.

The above description of Farben's tactics in the field of oil is equally valid for synthetic rubber. In 1937 began a long course of negotiations between Farben and Standard with respect to Farben's making available, for commercial development in the United States, the patents and, what was much more important, the "know-how" for the manufacture of buna rubber. Whether or not there was a technical breach of the Jasco agreement by Farben is quite irrelevant. The significant fact is that Farben's carefully planned conduct was such as to lead Standard Oil and the big American rubber companies to believe that they would get the know-how from Farben, and thereby discourage independent research in America.

Farben did not attempt to conceal the fact that the Reich government might not look with favor on a turning over of Farben's buna processes, but it succeeded in conveying the impression that Farben itself was only too willing to oblige, and that it would surely secure government approval in the near future. Impressed with Farben's protestations of good will, the Standard Oil Company turned over to Farben their own butyl (copolymer) rubber process. On 15 March 1938, three days after the occupation of Austria, Mr. Howard wrote:

At my meeting with the I. G. gentlemen in Berlin on the Buna question, it developed that very rapid strides were being made in all phases of the Buna development.... Certain difficulties still exist which prevent our I. G. friends from giving us full technical information and proceeding in the normal manner with the commercial development in the United States. It is to be hoped that these difficulties will be surmounted in the near future.

In view of the very genuine spirit of cooperation which Dr. Ter Meer displayed, I am convinced that it is not only the right thing to do, but the best thing from every standpoint to pass

on to them full information on the copolymer at this time. I do not believe we have anything to lose by this which is comparable with the possible benefit to all of our interests.

Three days later, a conference was held at the Reich Economics Ministry which was attended, on behalf of Farben, but the defendant Ter Meer. A memorandum of this conference states in part:

Conferences which, up to now, had the sole object of easing the minds of American interested parties, and possibly to prevent an initiative on their own part within the frame of butadiene rubber, were held with Standard, Goodrich, and Goodyear. We are under the impression that one cannot stem things in the U.S.A. much longer without taking the risk of being faced all of a sudden by an unpleasant situation, and lest we be unable to reap the full value of our work and our rights....The American Patent Law does not make license-mandatory. It would nevertheless be conceivable that because of the extraordinarily great importance of the rubber problem for the U.S.A. and because tendencies for restoring military power are very strong there too, considering the decrease in unemployment, etc., a bill for a corresponding law might be submitted to Washington. We, therefore, treat the license requests of the American firms in a dilatory way so as not to push them into taking unpleasant measures.

The conference then discussed the possibility of delaying further developments in the United States by maintaining secrecy. It was pointed out that independent development in the United States had advanced so far that it would be impossible to accomplish this result, and that a great deal might be obtained in negotiating with the Americans by way of improved trade relations between the U.S. and Germany. The government officials indicated that they might consider approving the initiation of negotiations in the USA for the fall of 1938, provided such negotiations would in no way affect the construction of Farben's buna plants already underway. And in October 1938, the Reich Ministry of Economics did in fact give permission for the utilization of Farben's buna patents and technical information abroad, subject to the condition that the government's consent would have to be obtained before the final consummation of any such arrangement.

The following month, the defendant Ter Meer paid a visit to the United States, and on 28 November 1938, he discussed commercial exploitation of buna rubber in the United States with the Executive Committee of the Standard Oil Company and, subsequently with the big American rubber companies. But Ter Meer did not enter into any final contractual arrangements, and in the

spring of 1939, negotiations along this line came to an end. As Ter Meer succinctly put it in a letter to the defendant Krauch in January, 1942: "I should like to state that, except for the license agreement concluded with our ally, Italy, processes and experiences on the production of butadiene and the manufacture of buna S and N were never made available abroad."

After the outbreak of the war in September, 1939, the Farben mask was laid aside. Mr. Howard came to Holland and conferred with the Farben representatives at The Hague late in September. As a result of this conference, Farben transferred its interest in Jasco to the Standard Oil Company and transferred the buna patents to Jasco, but the vital "know-how" necessary for speedy exploitation of the patents was not transferred. A letter to the defendant von Knieriem on 28 September stated:

Dr. Ter Meer thinks it is necessary to point out specifically that there will be no exchange of experience with respect to buna.

The assignment of the buna patents themselves involved no more than bare specifications. Without knowledge of the accompanying Farben processes, they were of little scientific value. The only reason that Farben assigned the patents to Jasco in 1940 was to prevent enemy countries from seizing them, and to safeguard them in the event of war between Germany and the United States. Farben's notes on the conference at The Hague with Mr. Howard state that:

In a later discussion Howard inquired whether, in the present circumstances, we would be able to transmit to the United States experiences for the production of buna. He himself considered this unlikely since in the event of war, the United States would be dependent upon the importation of crude rubber. We have promised Howard to answer this inquiry. Howard himself anticipated a refusal to transmit technical experience. In any event, he has not conditioned the readjustment of Jasco upon our furnishing experience for buna.

From 1939 on, it was quite impossible to obtain further technical information from Germany on the buna process. In October, Mr. Howard stated in a letter:

Of all the synthetic rubber developments in the world, only the Buna-S development of the I. G. is, up to this moment, demonstrated to be a possible immediate reliance for production of synthetic rubber of quality suitable for automobile tires, at a price, and

in quantities which would be practical. We have not complete technical information on the Buna-S manufacture in this country, and cannot obtain any more information from Germany. We have complete control of the patents, however, and with the patents and the information we already have, it would be possible to produce the Buna-S product in the U.S. A minimum of two years would be required, however, to complete and get into operation the first large plant....

All efforts to obtain technical information from Farben met with pointblank refusal. Thus, in April 1940, it was suggested to Mr. Howard that he try to discover "just what emulsifying agents and promoters the I. G. used in making buna". Howard conferred with the defendants ter Meer and von Knieriem at Basel, Switzerland, in May 1940, and endeavored to secure this information, but was informed by the Farben representatives that:

It was, however, not able to inform Jesso what emulsifiers are used. The designation of the emulsifiers used by I. G. amounted to the transmittal of "know-how" which it was not in a position to give....

In other words, Farben and Nazi government, in continuous consultation, utilized Farben's cartel arrangements, such as the one with Standard Oil, as a tool of German foreign policy. The objective was to secure the maximum amount of technical information for Germany in order to promote Germany's war effort, and to withhold, so far as possible, any information of military value and thereby weaken the military potential of other countries.

A most enlightening description of Farben's policy is contained in a memorandum submitted by Farben scientists to the defendant von Knieriem in May 1944. An article by Mr. R. T. Haslam of the Standard Oil Company had appeared in the Petroleum Times for 25 December 1943, which stated, among other things, that "the secrets brought to America from Germany fifteen years ago by American scientists have been turned into mighty weapons against Germany". The Farben memorandum of 1944 is a studied technical answer to the Haslam article. Whether the Haslam article or the Farben memorandum is nearer to the truth is quite irrelevant. The significant point, abundantly supported by the documents we have quoted, is that throughout the late thirties and the early part of the war, Farben and the Nazi government undertook to use the agreement with Standard Oil as an instrument of aggressive war. In the Farben memorandum of 1944, it is

set forth, among other things, that:

The conditions in the Buna field are such that we never gave technical information to the Americans, nor did technical cooperation in the Buna field take place. On the basis of the contractual agreements, the Americans had only the right to reach a technical cooperation with I.G. at some undetermined date. Even the agreement reached in September 1939 and mentioned by Mr. Haslam did not give the Americans any technical information, but only that which was contractually their due, i.e., a share in the patent possession. Moreover, at that time a different division of the patent possession was decided upon, which seemed to be in the interest of both partners. The Americans did not at that time receive anything important to war economy, besides, they could have procured the patents without our agreements in wartime, for during war a State will never be kept from production by enemy patents.

A further fact must be taken into account, which for obvious reasons did not appear in Haslam's article. As a consequence of our contracts with the Americans, we received from them above and beyond the agreement many very valuable contributions for the synthesis and improvement of motor fuels and lubrication oils, which just now during the war are most useful to us, and we also received other advantages from them.

Primarily, the following may be mentioned:

(1) Above all, improvement of fuels through the addition of lead-tetraethyl and the manufacture of this product. It need not be especially mentioned that without lead-tetraethyl the present method of warfare would be unthinkable. The fact that since the beginning of the war we could produce lead-tetraethyl is entirely due to the circumstances that shortly before the Americans had presented us with the production plants complete with experimental knowledge. Thus the difficult work of development (one need only recall the poisonous property of lead-tetraethyl, which caused many deaths in the USA) was spared us, since we could take up the manufacture of this product together with all the experience that the Americans had gathered over long years.

In summary, as was found in an official American government study¹ of German's use of international cartels:

Germany used the cartel device as a medium for strengthening Germany's position to make war and, in turn, to weaken the defensive position of its potential enemies.

And the identical attitude was revealed in a memorandum which was prepared by Farben's Legal Committee in February 1941, which looked forward to Germany's use of cartels after a German victory had been achieved, and stated:

The essential task of the international chemical cartels after the war will be to support the German leadership in a European economy composed of one large territorial and economic unit (Grossraumwirtschaft). These cartels....will be particularly suitable to subjugate recalcitrant manufacturers and to combine all forces against the overseas competitor.

1. "Study of the FEA Drafting Committee on the Treatment of German Participation in International Cartels from the Standpoint of International Security," 10 October 1945, p. 2.

3. Summary

At the conclusion of a recital of such facts and deeds as are comprehended in Count One of the Indictment, and looking back over the last fifteen years, the word "why" forces itself into the mind. Why did the defendants help Hitler to Power? Why did Krupp von Bohlen tell Hitler in 1933 that the Nazi regime was in line with the wishes of German industry, and why did Carl Bosch tell the Du Pont officials in July of that year that "industry must support the present government"? Why did Krauch and Schmitz and Schnitzler and Ter Meer and the other leading defendants swing their empire solidly into line with Hitler and Goering, and keep it in line even after the future became so clear to them? There are those who will say that it was all done for money, and no doubt the profit motive played its part. But it is hard to believe that greed alone could drive men to the decisions which these men took. Surely there were other purposes, some of which were even more deeply rooted.

Surveying the entire history of the gigantic and protean enterprise which these men and their predecessors controlled, it is hard to avoid the conclusion that these men were governed by the same unquenchable thirst for power that for years has gripped and distorted the minds of the military caste and many other leading Germans. The words of the deceased Carl Duisberg are not, of course, binding upon these defendants, but Duisberg must have been a powerful influence on these men, and what he said illuminates the ethos of the enterprise to which they dedicated their lives. From Duisberg's speeches to the Reich Association of German Industry, from 1925 to 1930, we have selected a few excerpts:

Be united, united, united! This should be the uninterrupted call to the parties in the big house, the Reichstag, as well as in the small one, the Landtag. We hope that our words of today will work, and will find the strong man — for he is always necessary for us Germans, as we have seen in the case of Bismarck.....(1925)

Gentlemen! You may believe me when I say that nobody willingly admits the weakness of his country. Yet nevertheless I consider myself duty bound to tell everyone at all times, at home and abroad: Let us admit it, war is impossible for Germany. We are disarmed..... But back to deeds. Gentlemen! Germany was made great and mighty by her deeds in peace. The whole world knew her, and the whole world must come to know her again. We must reconstruct on the basis of existing conditions, hard as this is. Let us get rid of the very German "if". Let us work! (1925)

If Germany is again to be great, all classes of our people must come to the realization that leaders (Fuehrer) are necessary who can act without concern for the caprices of the masses.....It is to be hoped that there will be found in Germany the necessary number of such personalities, who will be the leaders of their nation. Only then will she rise from deepest misery to her former greatness. (1926)

One thing is certain: No matter what the decision may be, we will not be spared heavy payments since our fatherland's lack of might makes all resistance appear hopeless. Here, too, the words of the great Prussian King are true: "Policy without might is a concert without instruments". (1928)

The revolution put in the place of the constitutional form of government, with its permanent representative character, in which a well-trained and expert officialdom attempted to solve the problems of the State from the point of view of the common good, a people's State characterized by an emphatic party rule.

While previously for the most the part the economy experienced strictly objective treatment of its affairs, and thus had no occasion to undertake active intervention in politics itself, this circumstance was greatly changed after the upheaval. The final decision in economic matters was, as in all modern democracies of the world, placed in the hands of the masses, which were neither expert nor able to become expert in economic matters, and furthermore are not prepared to bear the responsibility for those decisions whose results they meet at first hand. The overwhelming and determining influence of worker masses organized in unions, mostly with a socialistic and class war ideology, drive economic decision which are to be made by the State or its organs out of the sphere of objective judgment onto the political platform.....I am more than ever convinced that business must commence with all its power to make its influence felt in those circles which belong to German enterprise, namely in the great creation and regrouping of the modern working citizenship with a positive attitude towards the State. It is necessary to fight through active political work for the realization and consideration of economic necessities in political decisions. (1930)

These words were spoken before most of us had even heard of Hitler.

It is certainly not in Hitler's style, but, almost without exception, the thoughts are exceedingly parallel to those of Hitler's speech to the industrialists three years later. Hitler was the "strong man" who would take economic affairs out of "the hands of the masses", restore Germany's "might", and rid her of the shame of "admitting" that "war is impossible for Germany".

Nearly a decade after the last of the above paragraphs was written by Duisberg, in April 1939, the defendant Krauch submitted a "work report" as "the Plenipotentiary General of Minister President General Fieldmarshal Goering for Special Questions of Chemical Production". Bohemia and Moravia had just been conquered by threats and occupied by armed force; the Sudetenland and Austria had passed into recent history. German "might" had been restored; war was not only possible for Germany, but all of Europe

lay shuddering under the German terror. A Fuehrer totally lacking in "concern for the caprices of the masses" or for the principles of common decency and humanity had arisen and the "worker masses" no longer had the slightest voice in the solution of "economic matters". The conclusion to Krauch's report is nothing more than the logical extension of the ideas which Duisberg had given voice to a decade earlier; Krauch is less philosophical, but terribly practical:

When on 30 June 1938, the objective of the increased production in the spheres of work discussed here were given by the Field Marshal, it seemed as if the political leadership could determine independently the timing and extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year, there is no longer any doubt that this hypothesis does not exist anymore. The economic war against the anti-komintern powers under the leadership of Great Britain, France, and the USA, which has already been conducted secretly for a long time, has now been finally opened; as time passes, it will become more and more severe.

At Wilhelmshaven, the Fuehrer expressed his determination not to remain passive in view of this policy of encirclement which for the time being is economic and political but is aiming ultimately at military isolation.

I am of the opinion that from this decision the necessary conclusions will have to be drawn without delay for the economic sphere of the chemical industry as well. The following is a general outline:

Formation of a uniform major economic bloc of the four European anti-komintern partners, which Yugoslavia and Bulgaria will soon have to join.

Within this bloc there must be a building up and direction of the military economic system from the point of view of defensive warfare by the coalition.

The bloc must extend its influence to Roumania, Turkey and Iran. The German-Roumanian political treaty will serve as a suitable example of the methods to be applied for the gaining of influence.

The great importance of extending commercial relations with Russia is stressed by the gradual relocation of the German economic and export centers to the East and by the compelling necessity of utilizing the Ukraine (iron) in case of war.

By the policy of encirclement manifested by the enemy, a new situation is created:

It is essential for Germany to strengthen its own war potential as well as that of its allies to such an extent that the coalition is equal to the efforts of practically the rest of the world. This can be achieved only by new, strong and combined efforts by all of the allies, and by expanding and improving the greater economic domain corresponding to the improved raw material basis of the coalition, peaceably at first, to the Balkans and Spain.

If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not

spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes.

We will let one more year go by. It is June 1940; Poland, Norway, Belgium, and the Netherlands have been conquered and occupied. It is a few weeks after Dunkirk, and France is about to capitulate. At about this time, the defendant von Schnitzler summoned a meeting of the Farben Commercial Committee to agree upon the principles underlying what the defendants called the "New Order" (Neuordnung) for the chemical industry. Early in August, Farben presented this document to the Reich Minister of Economics. The report explained that a "major economic sphere" would soon be shaped in Europe which:

will, upon conclusion of the war, have the task of organizing the exchange of goods with other major spheres in competitive markets -- a task which includes more particularly the recovery and securing of world respect for the German chemical industry.

The immediate objective of the "New Order" was to integrate European production with the German war machine. The long range objective was the incorporation of the chemical industry of Europe, including Great Britain, within the framework of German hegemony, and ultimately Farben's domination of the chemical industry of the world. The "New Order" was a careful plan for the use of Farben's economic weapons, cartels, investments and technical achievements to combat the last remaining challenge to its supremacy, the Western Hemisphere.

While Great Britain was not covered in detail in the "New Order", the Commercial Committee decided at a meeting on 12 November 1940, attended by the defendants von Schnitzler, Haeffliger, Ilgner, Kuehne, von Knieriem, Kugler, Menn, Ter Meer, and Oster that, in anticipation of the conquest of Great Britain, immediate attention must be given to that country. They agreed:

that the various sales combines and other offices concerned should work out the matter sufficiently in advance so that I. G. can express a comprehensive attitude as quickly as possible at the proper time.

The lists of the chemical industries of Great Britain now being prepared in the Economic Research Department (VOWI) should be given to Dr. Ter Meer and Dr. von Schnitzler for their opinion before being passed on.

The "New Order" was not hastily prepared; it was a complete exposition of projects which Farben had developed since World War I and hoped to accomplish through German aggrandizement. The "New Order" contains

thousands of pages of specific programs for the chemical industries of Europe, including Great Britain. These detailed plans outlined the existing structure of the chemical industries of the European countries and set forth their future organization and direction. In many instances Farben planned to liquidate completely chemical companies and production in certain countries, making those countries wholly dependent upon the Reich and thereby securing Germany's military supremacy.

It was, in summary, a plan for the marshalling of the chemical industry of the continent of Europe, including Great Britain, to wage war against the world. It is a plan for the realization of the ideas of Duisberg and the predictions of Kirsch. We need seek no farther for the motive in this case; it is all written down in these documents. They are written in the dispassionate language of science and commerce, but between the lines the smouldering hate and boundless ambition is easily discernable. These men wanted to make the world their own, and they were prepared to smash it if they could not have their way.

COUNT TWO: PLUNDER AND SPOILIATION

The charges under Count Two of the indictment are based upon familiar and well-established principles of international criminal law, which are embodied in the Hague Conventions and other authoritative sources. Article II of Control Council Law No. 10 prescribes, under the definition of war crimes, the "plunder of public or private property", and in the definition of crimes against humanity it recognizes the criminality of inhumane acts and other offenses committed against civilian populations.

Germany's invasions and aggressive wars were destined to lead, and in fact resulted in, the complete ruin of national economy in the occupied countries. The Nazi government left no doubt about its ultimate goal, and the German industrialists, outstanding among them these defendants, furthered this policy and used it for their own ends. The sufferings connected with the war were thereby deliberately and criminally aggravated. Wholesale starvation of the population multiplied the number of casualties brought about by warfare. The International Military Tribunal, summing up its findings on plunder and spoliation, said in its decision:¹

The evidence in this case has established that the territories occupied by Germany were exploited for the German war effort in the most ruthless way, without consideration of the local economy, and in consequence of a deliberate design and policy. There was, in truth, a systematic "plunder of private and public property", which was criminal under Article 6 (b) of the Charter.

In the planning and execution of these crimes, Farben played an important part. In approaching its special role in dealing with the chemical industry of the occupied countries, we will do well to underline again its versatility, its capacity to adjust itself to prevailing circumstances and to determine upon a skillful course which was satisfactory to the Nazi authorities and, at the same time, kept Farben in a position to hold and to expand its private industrial empire. The course of events shows that the Farben leaders knew when to strike at once and ruthlessly, as in the case of Poland, as well as when to wait until the

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 239.

until the totality of circumstances became more advantageous to Farben, as in the case of France. However, in each case we will find Farben prepared with a thorough analysis of the political, economic, and military situation and of the personalities involved, with a staff of experts ready for all eventualities, with cooperative Nazis in high places who could properly be approached at the propitious moment, and with dummies and liaison officers who could make approaches on its behalf when Farben itself, for the moment, desired to remain in the background. No moral or legal considerations of any kind were allowed to enter the picture. In Farben's mind the purpose of both war and plunder was to enrich Farben and to extend the German dominion and its own et percat mundus. Germany's aggressive wars were not supported and participated in by Farben just to stand idly by when the distribution of the spoils was made.

In outlining the evidence under Count One of the indictment, we have already described, in summary fashion, Farben's seizure and exploitation of the chemical industries of Austria and Czechoslovakia. These acts were part and parcel of the invasion and occupation of Austria and Czechoslovakia and, as such, fall within the ambit of Count One. The same acts constituted war crimes and crimes against humanity, as is charged and set forth in Count Two.

For brevity's sake, we will confine ourselves at this time to a brief summary of the evidence in connection with plunder and spoliation in three other countries: Poland, France, and the Soviet Union. As is set forth in the indictment, Farben's criminal activities under Count Two were by no means confined to these three countries; Norway, Greece, and Yugoslavia, among others, were equally its victims. But the evidence with respect to these other countries may await its actual presentation during the trial.

A. Poland

Poland had barely been subjugated when the German Reich created the "legal" basis for taking "title" to her public and private property by issuing, to this effect, a number of decrees. The "authority" of German agencies to "sequester" Polish property under these decrees had virtually no limits. Poland was called, by both the Nazi legislature

and Farben officials, the "former Polish State". As to its property, the German Decree Concerning Sequestration of January 15, 1940, following other decrees similar in scope, enacted:

The entire property of the former Polish State, tangible or intangible (together with all appurtenances), including all claims, participations, rights, and interests of any kind whatsoever, is put under sequestration.

And a modest second paragraph provided:

Property so sequestrated is hereby seized.

Another decree, dated September 17, 1940, repeating and supplementing other similar decrees, dealt with Polish Property in the Incorporated Territory (so-called Warthegau). It provided for the "sequestration" of property, and enacted:

Sequestrated property may be confiscated by the competent agency for the benefit of the German Reich if the public welfare, particularly the defense of the Reich or the strengthening of Germanism, so requires.

The agency referred to in decrees of this kind was the Main Trustee Office East (Haupttreuhandstelle Ost). The general policy under which this agency operated was described by the notorious Hans Frank, the Governor General of Poland, in the following words:

On the 15th of September 1939, I received instructions to take over the administration of the Occupied Eastern Territories..., accompanied by special orders to exploit this field ruthlessly as a war territory and a land of booty, to turn it, so to speak, into a heap of ruins from the point of view of economic, social, cultural, and political structure....

These practices flagrantly violated all known standards under the laws and customs of war limiting the permissible use of the resources of occupied countries. In this undisguised pillage, Farben was a full-fledged partner. We have already mentioned that in July 1939, two months before the outbreak of war, the defendant Ilgner's Berlin NW 7 office prepared a comprehensive report entitled: "The Most Important Chemical Plants in Poland", which formed the basis for Farben's plundering activities in Poland.

The three outstanding Polish enterprises in the chemical field were

known as "Boruta", near Lodz, and "Wola" and "Winnica", both situated near Warsaw. All three produced dyestuffs and other chemicals, and Boruta manufactured explosives as well. Boruta and Wola were old, well-established firms, and all three were members of the international dyestuffs cartel.

Even before Lodz, let alone Warsaw, was conquered, the defendant von Schnitzler on September 7, 1939, only six days after the attack on Poland, called a Farben director named Schwab and asked him to prepare to take charge of the Polish dyestuff factories which, in all probability, would fall into German hands. The same day he requested Farben's Berlin office to contact the Reich Ministry of Economics. The defendant Haefliger at once visited the Ministry, informed it about the Polish factories, and asked for Farben's trusteeship. On September 14, 1939, the defendant von Schnitzler, together with Schwab, called on Dr. Mulert of the Ministry of Economics, and urged that Farben, and Farben alone, would be a proper "trustee" of Boruta, Wola and Winnica. He argued that Boruta was most important to the war effort since 86% of Farben's production of aniline dyestuffs and their intermediates was being produced by Farben's western plants which were exposed to enemy air attacks; he also stressed that the Wola factory was owned by Jews, and that it should be closed, "since the plant has no importance to speak of as an independent enterprise". Operation of Boruta, however, should be continued on the largest possible scale.

On September 21, 1939, the two Farben directors, Schwab and Schoener, were elected trustees, their appointment providing that: "the enterprises have to be adapted to the requirements of the German war economy, and German exports to neutral countries". All this was just a first step. What Farben was aiming at was the actual ownership of Boruta.

In November 1939, the defendant Wurster made an inspection trip through conquered Poland. His comprehensive report, addressed to the defendant Bueglin, deals with ten Polish factories, among them Boruta, Wola, and Winnica. In most cases, the author reached the conclusion that the equipment and installations should be dismantled and brought to German Farben plants without delay. Lust for plunder went so far that the mere fact of a factory's existence sufficed for coveting it, even if

it was not yet known to Farben by name or otherwise. At a meeting of Farben's Commercial Committee in October 1939, it was stated that a Farben lawyer named Deissmann:

On his way back to Warsaw, will call at Poznan on the chief of the civil administration, in order to clarify the appointment of a trustee for the "biggest chemical industrial plant" located there -- which plant is involved is not yet known.

To obtain their objectives in Poland, Farben had to win over the SS men who had descended like a plague on the wretched country. An SS colonel named Eichenhauer, who was a member of the Nitrogen Syndicate headed by the defendant Oster and thereby known to the Farben people, received a "particularly friendly" invitation from Farben and was instrumental in introducing the defendant von Schnitzler to SS-Brigadefuehrer Greifelt, of the Main Trustee Office East. After discussing the situation with Greifelt, von Schnitzler thanked him warmly "for his benevolence" and indicated that "if difficulties should arise, Farben, with confidence, would apply to him." Greifelt was a particularly unsavory character, whose lootings in Poland totaled nearly a billion marks, and who subsequently played an important part in the kidnapping of Polish children to be brought up as Nazis under special SS tutelage. With Greifelt's assistance Farben got its way. Boruta, with all its movables and immovables, supplies, plants, precious, and buildings, was transferred to a corporation organized by Farben. Everything was taken over with one exception:

Subsistence allowances, annuities and similar payments for which Boruta is responsible according to earlier contracts with employees or other agreements dating from Polish times, especially payments out of the so-called savings fund, will not be taken over by the purchaser. The purchaser is, however, prepared to pay out any annuities or other sums which may be due to persons of German race.

Contrary to the maxim of ancient Rome, Farben's motto was "combine and rule". In each conquered country, Farben endeavored to amalgamate the more valuable segments of its chemical industries into a single large combine, dominated by Farben, and to close down the rest altogether. In Poland, Farben recommended that Wola and Winnica should be stripped of such equipment as could be used for the German war effort, for

removal to either Boruta or Farben plants in Germany. The factories themselves should thereafter lie idle. The Nazi authorities agreed. Winnice's installations and machinery were dismantled and part of them shipped to Ludwigshafen, and parts of Wola were also transferred to Farben plants in Germany.

The defendant Wurster, in his report to Farben in November 1939, stressed the fact that the owners of Wola were three "gentlemen" (the quotation marks are Wurster's) named Szpilfogel, Goldfisch, and Augenblick, all three of whom were Jewish. So far, we have talked about spoliation in terms of factories and machines, but we must not overlook the fact that these factories were owned and operated by human beings. What happened to Mr. Szpilfogel when Farben closed down his factory, and how was he treated?

Mr. Szpilfogel has been described by a Farben director as: "a man of calibre who, for the first time, introduced naphthal dyestuffs in Poland. He was, no doubt, a highly respected personality". Soon after the capture of Warsaw, the two Farben "trustees", Schwab and Schoener, called on him and sequestered all his dyestuffs. They also informed him that his house in Warsaw and his country estates at Wola and Otwock were included in the sequestration, and from now on were under the control of Farben. They confiscated his automobiles and forbade him to use anything in any of his houses.

Schwab and Schoener forced Szpilfogel to move, with his family, into a small apartment in one of his own houses and pay a monthly rent to Farben. For a short time, they allowed him a trifling allowance from the Wola properties, but eventually even this was stopped.

In 1940, the Germans established the infamous Warsaw ghetto, and in November Szpilfogel and his family were forced to move to the ghetto. Szpilfogel, through the international dyestuffs cartel of which his firm had been a member, was personally acquainted with the defendant von Schnitzler and other Farben officials. In January, 1941, from the ghetto he sent a despairing letter to von Schnitzler, in part as follows:

Your kindness, with which I am familiar, encourages me to contact you with the request that I be permitted to move with my family to an appropriate apartment at my residence and place of birth, Wola, near Peprikau, and to obtain permission to work in the industrial plant Wola, of which

I am a part owner, in order to be able to exist. As my son is ill in a hospital, I respectfully request that it be rendered possible for him to receive regular monthly payments on his credit account with the chemical factory Wola. The same for my daughter Hanna, who has a substantial credit with the chemical factory Wola. Hoping that you, dear sir, will conform to my wishes,.....

The defendant von Schnitzler referred Szpilfogel's plea to Schwab, commenting:

Dr. M. Szpilfogel has sent me the enclosed letter dated 16 January. I am sending you the original text. It goes without saying that nothing can be done from here in this matter. What you can do in your capacity as trustee of Wola, I don't know. This constitutes a part of the duties which fall to you as a result of your appointment as trustee. I must therefore leave it entirely to you to do what you see fit in this matter; I refrain from taking any position on my part. You will be good enough to advise Dr. Szpilfogel directly of your decision. With kind regards, and Heil Hitler,

(signed) Schnitzler

Szpilfogel never received any answer to his letter. He remained in the ghetto until the end of July 1942. In the meantime, the Germans had begun the liquidation of the Jews in the ghetto; they would order the inhabitants of houses or blocks to assemble in the street, where they were loaded into trucks and carried off to Treblinka, or one of the other extermination camps. Szpilfogel's turn came in July 1942, but he managed to slip away and hid himself. By the kindness and courage of his former concierge, he ultimately escaped from the ghetto and survived the German occupation. His son, his son-in-law, his sister, two of his brothers with their entire families, and all four of his wife's brothers and sisters, were murdered in the ghetto.

B. The Soviet Union

One of the "guiding Principles for Economic Operations in the Newly Occupied Eastern Territories", promulgated as soon as the attack on the Soviet Union started, provided that "in accordance with the command given by the Fuehrer all measures are to be taken which are necessary to bring about the immediate and highest possible exploitation of the territories in favor of Germany". The regulations of the Hague Convention of 1907, to which Germany was a part, were openly disregarded "since the U.S.S.R. is to be considered dissolved". Soviet resources were to be

exploited most ruthlessly even "if many millions of people are starved to death".

The defendants were active members of, and participants in, the plan to strip Russia of her resources on a scale unprecedented in modern history. Farben accepted as a matter of course that the German Reich is "successor to former Soviet State property", and it directed its efforts from the very start towards sharing the spoils to the greatest possible extent. This aim was not easily attained. The Nazi government was resolved, at least in the beginning, to reserve the spoils for SS and combat veterans. Contrary to the case of Poland, therefore, it did not give the "trusteeship" of Russian enterprises to German industrialists; instead, it organized so-called "Monopoly" or "East" corporations which were charged with "protecting" the Russian plants. Farben, therefore, tried to get as big a share in these Monopoly corporations as possible, and to place its employees in key positions.

Of course, mere participation in the "Monopoly" corporations was not satisfactory to Farben. At least in its own field, particularly in the field of synthetic rubber, Farben wanted to become the exclusive master. That the "dissolved" Soviet Union was to be entirely excluded from its own buna factories, its supplies, and installations, was a foregone conclusion. Circular letters were sent by the defendant Ambros to the Farben employees who were selected to exploit the Russian buna plants. The first circular letter, of July 1, 1941, said:

It is intended that, when your assignment for Russia comes about, a commission consisting of Völff, Biedenkopf and myself, will go to Russia; there to establish with you the question of using Russian plants for the production of certain types of buna or their primary products, in order to utilize also the Russian production for our purposes as soon as possible.

Farben employees who, vested with official authority as "Sonderführer" (special leaders) were to take over the Russian buna plants first temporarily and then "definitely", were appointed by Ambros. Such was Farben's zeal and precipitancy that their emissaries even surpassed the speed of the German Army. Farben's employee Eilers reported on the failure of a mission. He had to return from Voronezh "not having accomplished anything; it was impossible for him to approach

~~The~~ factory at Voronezh since that plant had not yet fallen to the Germans". Farben prepared lists of all Russian plants for buna, plastics, and dyes, including plants in Georgia, Armenia, and Western Siberia. Farben Director Borgwardt sent these lists, on January 14, 1942, to the selected Farben representatives, saying:

I advise you to be on the alert when the places set forth in the enclosure are occupied by German troops, so that we can then contact, at once, the German authorities having jurisdiction.

In October 1941, at a conference with Dr. Ungewitter, it was agreed that "protection" of the Russian buna plants would be transferred by the Reich to Farben. It was more difficult to get a preemptive right to the effect that, if the German government should decide to sell the plants, Farben would have the first refusal. But in December 1941, the Reich Ministry of Economics agreed in principle to Farben's preemptive right. The main difficulty was Farben's request for the exclusive right of using Russian processes and know-how within Germany. In this respect the government was stubborn. Farben, however, was not easily discouraged. Though usually diplomatic in its official intercourse with the Nazi authorities, Farben used blunt language in a letter to the Reich Ministry of Economics, signed by the defendant Ambros, setting forth the objections to the Reich's invasion of Farben's domain:

As you well know, Farben started to develop the manufacturing of buna at a very considerable expense of labor and money, and at the risk of private funds, in providing additional facilities for the manufacture of buna, to such an extent that the total amount of rubber requested by the German army and German economic demands during the war could be supplied by the company. In view of the services so rendered by Farben to the Reich, we do not think it fair for the Reich to now go into competition with Farben in Germany over the utilization of manufacturing processes taken from Soviet Russia, especially since these processes could not be of any use to the Reich unless Farben exports are made available to the Reich.

In this letter Farben, with all clarity, revealed the trumps it held. By taking the initiative and risking its own funds, it had rendered immeasurable service to the German war machine, and it could afford to remain adamant since the Nazi government was completely dependent on Farben's cooperation. As Albert Speer explained in a letter to Himmler in July 1944:

I do, however, regret that in the course of the Four Year Plan, no competitive firm to the I. G. Farben concern was established, as in the case of the Hermann Goering Works. This would have been easily possible at the time when the numerous new plants of the Four Year Plan were established. Nowadays, we depend entirely upon the work of I. G. Farben for chemical progress.

C. France

In 1940, envisaging the defeat of France, Farben's plans for enlarging its empire went beyond preparations for reaping the spoils of each individual aggression. We have already described the "New Order" for the chemical industry, which Farben developed between June and August, 1940.

The "New Order" document embodied Farben's plans with respect to the French chemical industry. The three principal French enterprises in the dyestuffs field -- Kuhlmann, St. Clair du Rhone, and St. Denis -- were to be consolidated. The smaller French factories were to be closed down. A new combine of the large firms was to be formed, which was later on called "Francolor".

The German spoliation in the West differed from the Eastern scheme in the methods used but not in the ultimate goal. What both the Nazi government and Farben aimed at was complete subjugation of French industry and the widest possible use of its facilities for the German war machine. In the case of France, the pretense of an orderly procedure was to be observed, since the official catchword was "collaboration".

The identity of purpose, however, clearly appears from official German orders not destined for publication abroad. Under the heading "Systematic Exploitation of the Economy of the Occupied Western Territories for the German War Economy", Goering decreed, on August 6, 1940:

It is a necessity of high political importance that the capacities and raw materials in the occupied Western Territories shall be employed systematically and to the extent in order to help the German war production and to raise the war potential for the fulfillment of the demands to be made in the interest of further warfare. The High Command of the Armed Forces (OKW) and the Reich Minister for Weapons and Ammunition have already published the directives necessary in this connection.

As far as German industry is concerned, its greed, even before France had signed the Armistice, was such that Goering, on June 20, 1940, deemed it necessary to order:

The endeavor of the German industry to take over now enterprises in the occupied territory, must be rejected in the sharpest manner.

But when it was decided to plunder under the cloak of "collaboration", German industry was invited - and gladly accepted the invitation - to play its part. Defendant Wurster reported on "very interesting" directives given by Ministerialdirektor Schlotterer, "one of the most competent personalities in the Reich Ministry of Economics", before the Council of the Reichsgruppe Industrie, according to which Schlotterer was strongly in favor of German industry penetrating the industry of France and other occupied countries:

You may have any amount you desire....The essential thing for us is that you do penetrate, and that, in this way, we secure our influence in the countries involved.

In subjugating the French chemical industry, Farben acted in closest cooperation with, but by no means under the leadership of, the Nazi government. The initiative was Farben's. Farben drafted the plan to eliminate French competition once and for all, to become master in the French house, to prohibit French exports, and, despite all that, to maintain the pretense of a voluntary contract with mutual rights and duties. The Nazi government had favorably received Farben's "New Order" plan, and from then on gave its support but no instructions. As defendant Kugler put it, Farben regarded negotiations with the French:

.....as a matter which concerned Farben, and in which the support of the German government was certainly desired, but in which we needed neither directives nor advice from the government.

Farben's scheme, briefly, was to show "historically" that its predecessor firms were unfairly damaged by both the Treaty of Versailles and the attitude taken by the French chemical industry. These damages should now be fully repaired. Obviously, Farben felt that there "reason" might not sound too convincing to the French, and accordingly it decided to put them in such a position that they had no alternative but to accept. One device was to delay the discussions so urgently asked for by the French and to use the interim period to "starve out" the French chemical industry. After the armistice, it became a vital necessity for the French nation and its industry that the occupied part could export to the unoccupied

part, and import from it in turn. Exports and imports of this kind depended on licenses to be granted or rejected by the German Military Governor in France. Farben was able to arrange that such licenses would be refused. By such devices Farben hoped to make the French more pliable or, as the defendants at that time cynically called it, "ripe for negotiations".

When this stage of "ripeness" seemed to be reached, the defendants von Schnitzler, Ter Meer, and Kugler met the French industrialists at Wiesbaden on November 21, 1940. The stenographic report of the meeting shows that the French were treated in the most ruthless way, and that they were faced with the alternative of either accepting Farben's dictate or not surviving at all. The French did what they could under the circumstances. They protracted negotiations, they applied to their government for support, and they tried to contact defendant von Schnitzler personally in order to obtain easier terms. It was all in vain. Their main objection was to Farben's 51% participation in and consequent control of the new combine. But the pressure exercised by Farben was such that the French government itself finally advised the industrialists to give in. One year after the Wiesbaden meeting, the Francolor agreement was signed under which the French chemical industry lost its independence and became a subsidiary of Farben. Terrorized though they were, the French industrialists insisted upon inserting a preamble to the Francolor agreement by which they made it clear that they did not sign the agreement of their own volition.

As to the results, the defendant Ter Meer could proudly report:

In the field of dyestuffs and auxiliary products, the French will be confined, under the contract, to the French market, and to exports to Belgium and Spain; by that they are eliminated as competitors in the dyestuffs field in all other markets.

Or, as the defendant von Schnitzler put it in his letter to the French government, the "basic fundamental idea" was that "in principle, no export of Francolor is allowed to take place." In return, Francolor

was granted decisive assistance by giving it, in the field of intermediates, orders for the German army requirements.

While the defendants von Schnitzler, Ter Meer, Kugler and others

were busy subjugating the French dyestuffs industry, the defendant Mann, head of Farben's pharmaceutical sales department, coveted the French pharmaceutical combine, known as "Rhône-Poulenc".

In this instance, it was the same theme with different variations. One transparent device and crude threat after another was used. We will not burden the Tribunal at this time with the details of the "negotiations". Ultimately Rhône-Poulenc was forced to conduct a substantial part of its marketing through a sales company in which Farben, in its own name, held a 49% interest, and a French nominee of Farben held another 2%, which gave Farben control. In this instance, as in the others which will be shown by the evidence under Count Two of the indictment, Farben was both versatile and ruthless in achieving its criminal ends.

COUNT THREE: SLAVERY AND MASS MURDER

Under Count Three of the indictment, the defendants are charged with crimes which are recognized as such not only under international law, but by the ordinary penal laws of all civilized nations. The Hague and Geneva Conventions contain numerous applicable provisions with respect to the treatment of prisoners of war and the civilian population of occupied countries. The definitions of "war crimes" and "crimes against humanity" in Article II of Control Council Law No. 10, specifically prescribe "murder, ill treatment or deportation to slave labor or for any other purpose, of civilian populations from occupied territories, murder or ill treatment of prisoners of war" and "extermination, enslavement, deportation, imprisonment" and "other inhumane acts committed against any civilian population, or persecution on political, racial, or religious grounds." The evidence under this Count relates primarily to the use and abuse of prisoners of war, the enslavement and deportation to slave labor and mistreatment of many thousands of civilians in the countries occupied by Germany, the conducting of atrocious medical experiments upon enslaved persons without their consent, and the extermination of slave workers who had been used up and were no longer of value as laborers.

A. Forcen and the Slave Labor Program

The slave labor program of the Third Reich was the revolting offspring of the aggressive wars which it planned and waged. It was designed to keep the German war machine rolling at the frightful expense of the freedom and lives of millions of persons. The tyranny and brutality of Nazi conquest was felt by them not only in their own homelands of France, Belgium, Holland, Russia, Poland, Czechoslovakia, Denmark, and elsewhere. Hundreds of thousands suffered the additional misery of being torn loose from homes and families and shipped to Germany into slavery and more than often to a miserable and premature death.

The story of the slave labor program was unfolded before the International Military Tribunal, and its Judgment established its essential facts and deep criminality beyond question. In the Judgment, it is stated:

1. Judgment of the International Military Tribunal, Vol. I, Trial of the Major War Criminals, p. 245.

.....the conscription of labor was accomplished in many cases by drastic and violent methods. The "mistakes and blunders" were on a very large scale. Manhunts took place in the streets, at motion picture houses, even at churches; and at night in private houses. Houses were sometimes burnt down, and the families taken as hostages, practices which were described by the defendant Rosenberg as having their origin "in the blackest periods of the slave trade". The methods used in obtaining forced labor from the Ukraine appear from an order issued to fifty offices which stated: "It will not be possible always to refrain from using force.....when searching villages, especially when it has been necessary to burn down a village, the whole population will be put at the disposal of the Commissioner by force.....As a rule, no more children will be shot.....If we limit harsh measures through the above order for the time being, it is only done for the following reason..... The most important thing is the recruitment of workers."

Fritz Sauckel, Hitler's Labor Plenipotentiary, stated that "out of the five million workers who arrived in Germany, not even 200,000 came voluntarily". The degrading manner in which the enslaved victims were treated is well epitomized by Sauckel's instructions of 30 April 1942:

All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent, at the lowest conceivable degree of expenditure.

And Himmler, in his notorious speech at Posen in October, 1943, said:

Whether ten thousand Russian females fall down from exhaustion while digging an anti-tank ditch interests me only insofar as the anti-tank ditch for Germany is finished.....We must realize that we have six or seven million foreigners in Germany.....They are none of them dangerous so long as we take severe measures at the merest trifles.

The defendants, through the instrumentality of Farben and otherwise, not only knowingly participated in the employment of foreign slave labor, but were aggressive in its procurement. For example, Sauckel, who assumed office in March, 1942, said:

I had considerable difficulty when I assumed office in putting a stop to wild recruiting and the understandable independent measures taken by individual large industries or individual large plants such as I. G. Farben to recruit foreign workers.

As early as September, 1940 numerous foreigners and prisoners of war had already been enslaved in the Farben plants. At Ludwigshafen, for example, of the 10,000 additional workers taken on during the first year of the war, 5,000 were foreigners and prisoners of war. At Dormagen special regulations had already been issued governing the "conduct" of the Polish civilian workers.

Eight months prior to Sauckel's remark about "wild recruiting", Farben's policy had been stated by the defendant Schmitz, the chairman of the Vorstand:

The Works must direct their efforts to obtaining the required workers; through foreign workers and prisoners of war, the requirement could in general be covered.

Again on 30 May 1942, three months after Sauckel took office, Schmitz said:

The shortage of workers, particularly the skilled workers, had to be made up for by working long hours, the employment of women, foreigners and prisoners of war.

Farben's motto was "production at any cost". Schmitz's order that the Works must endeavor to obtain the required workers among foreigners was aggressively pursued. Farben representatives were sent into all occupied countries to procure workers. As late as March 1943, the Reich Economic Minister was writing Farben for suggestions. Even in this slave traffic, Farben lived up to its traditional reputation for leadership.

The defendant Krauch, as General Plenipotentiary for Special Questions of Chemical Production in the Four Year Plan, was the highest authority for passing on allocations of labor for the chemical industry, including foreign labor, concentration camp labor, and prisoners of war. Krauch, with the aid of the other defendants, prepared the organization and details of the plans of the chemical industry for war mobilization. These plans included provision for the procurement and exploitation of compulsory labor of all types.

On the policy level, the Farben Vorstand "delegated" overall responsibility for the welfare of its laborers in all its plants to the defendant Christian Schneider as Chief of Plant Leaders. In formulating policy decisions, Schneider consulted with the various plant leaders and reported to the Vorstand. Not a single case has been found in which the Vorstand disagreed with Schneider's recommendations.

In the countries of Western Europe, an effort was made to keep up the pretense of voluntary recruitment, through the subterfuge of having a person selected for work in Germany sign a contract. Persons who refused to sign were forced to come to Germany anyhow through the knowledge that their ration cards would be taken away, or that they would be denied work in their homeland or, if they ran away, that reprisals would be taken against members of their families. Those who came, whether or not they signed contracts, were in effect slaves in the Farben plants. They were not free to change jobs nor could they go home when they pleased, they

did not have freedom of movement, and if they escaped or did not return from leave they were reported by Farben to the Gestapo, which hunted them down and returned them to the Farben plants.

A mimeographed circular letter dated 9 August 1943, from the Defendant Kranch addressed to all plant construction and building offices, outlines measures to bring back French workers who had been recruited and who had escaped. Another example is a letter from the Military Commander in Paris to Dynamit-Nobel, advising that a worker who had broken his contract and had not returned to the plant had been arrested and transferred by "special transport" to the labor office. These are samples of the so-called "voluntary" employment of western workers.

Farben was ruthless, but it was successful. In 1941, it already had assigned to it 10,000 slave laborers. In 1942, according to Farben figures, the figure rose to 22,000 in 1943 to 58,000, in 1944 to 85,000, and by 1945 it had passed the 100,000 mark. These figures represent only the number of slave workers in Farben plants at any given time and do not reflect the tremendous turnover. The unfortunate victims who obtained their release through death or "exchange" are not considered in the above figures.

B. Farben at Auschwitz

Although Nazi concentration camps had been notorious for some time, the civilized world was shocked when it became clear during 1942 that Hitler was actually carrying out his oft-repeated intention to exterminate the Jewish people of Europe. In December, a joint statement was issued by the United States and the European members of the United Nations calling attention to and denouncing this blackest of all crimes. In March 1943, a concurrent resolution of the Senate and House of Representatives of the United States Congress condemned the slaughter of the Jews of Europe and promised punishment to those directly or indirectly responsible for these criminal acts.

Various international conferences were held to decide upon ways and means to stop the slaughter. Intergovernmental Commissions were created to take action and in the United States, the President created a special Cabinet Board, the War Refugee Board, charged with the responsibility of

taking all action consistent with the successful prosecution of the war to rescue the victims of Nazi oppression. By shortwave broadcasts, by pamphlets dropped over Germany from the air, and by many other means, the determination of the civilized world to punish all participants in these acts of savagery was made clear to the German nation.

The terrible story of Auschwitz, in great detail, including reference to the "buna" plant and the Birkenau gas chambers and giving figures concerning the size of Jewish convoys and the numbers of inmates who died at Auschwitz, was received by the United States War Refugee Board and made public in November, 1944. This was not the first time, of course, that the world had heard of Auschwitz. What was happening there had been known for some time. But this was the first time that so much detail, including particularly the involvement of industrial firms in the Auschwitz program, was made public.

The main camp of Auschwitz (Auschwitz I) was built towards the end of 1940 in a suburb of Oswiecim, Poland, for 25,000 people. Camp II Auschwitz Birkenau, built in 1941, held 86,000. It was divided into two camps, one for male inmates designed to house 46,000, and one for 40,000 women. Auschwitz Camp III, called Monowitz, which will be described in detail at a later point, was built on the I. G. Farben site and held 10,000 inmates. Thus the concentration camps were built to house 136,000 concentration camp inmates. Actually 300,000 were housed there.

In the latter part of 1940, the defendants decided to build a fourth buna factory, and thought it wise to locate the new plant in the east. It was a gigantic project; the plans called for an investment of nearly a quarter of a billion dollars, which was a lot of money even for Farben.

The defendants Ter Meer and Ambros, in consultation with the Reich Economics Ministry, agreed to develop the plans, and in January 1941, the defendant Ambros, who had been commissioned to survey Poland for a suitable site, was shown Auschwitz. In February 1941, Ambros described in detail, to Brauch and Ter Meer, the results of his investigations, and suggested Auschwitz as a location for the plant. The notes of the meeting state:

It is being considered to get in touch with Reichsfuehrer-SS Himmler regarding the settlement of German workers in Auschwitz as soon as the initial planning for the buna factory has been clarified.

In his report to Krauch and Ter Meer, Ambros had made special mention that the projected plant would be adjacent to the Auschwitz concentration camp, and had pointed out that the availability of inmates of the camp as laborers would be advantageous. Thereafter, the matter was taken up at a meeting of the Farben Technical Committee of 19 March 1941 at which Ambros described the program. On 25 April 1941, the Auschwitz project was approved by the Farben Vorstand, after reports by the defendants Ter Meer, Ambros, and Buetefisch.

In the meantime, Farben officials had been carrying on negotiations with Goering and Himmler with respect to the supply of the workers from the Auschwitz concentration camp. The defendant Krauch dealt with Goering, and the defendant Buetefisch with the SS. The selection of Buetefisch is of special interest; he was neither a buna specialist nor an expert in labor relations, but he held the rank of Obersturmbannfuehrer (Lt. Col.) in the SS, and it was the SS which would control the furnishing of labor from the Auschwitz camp. Buetefisch was also a member of a small group of industrial leaders and SS officials, known as the "Friends of Himmler" or "Circle of Friends", through which a number of industrial leaders worked closely with the SS, met frequently, and regularly with its leaders, and furnished aid, advice, and financial support to the SS. The industrialist members of the Circle were drawn from a number of the largest German business enterprises, including the Friedrich Flick combine, the Vereinigte Stahlwerke, the Dresdner Bank, and others. The group was sponsored by Himmler and included, among other high officials of the SS, Obergruppenfuehrer (Lt. Gen.) Oswald Pohl, the Chief of the Main Economic and Administrative Department of the SS, which operated and controlled the concentration camps, including Auschwitz. In 1941, Farben made a contribution of 100,000 Reichsmarks to the "Himmler Circle" of which Buetefisch was an active member, and annual contributions in this amount were regularly made thereafter.

The result of the negotiations was a letter, dated 18 February 1941, from Hermann Goering to Heinrich Himmler entitled "Measures of Population Policies for the Auschwitz Buna Plant in East Upper Silesia":

I request that the following steps be taken in order to assure the supply of laborers and the billeting of these laborers needed for the construction of the Auschwitz Buna Plant in East Upper Silesia, which will commence in the beginning of April and which has to be carried out with the highest possible speed.

1. The Jews at Auschwitz and in the surrounding area must be quickly expelled especially for the purpose of clearing their lodgings in order to billet the construction workers of the Buna Plant.
2. Preliminary permission for the Poles in Auschwitz and the surrounding area who may be used as construction workers, to stay in their present lodgings until the termination of the construction works.
3. Availability of the largest possible number of skilled and unskilled construction workers from the adjoining concentration camp for the construction of the Buna Plant.

The total requirement for construction and fitting workers will be 8,000 to 12,000 men, on the construction lot, according to the speed of work which can be reached.

I request you to inform me as soon as possible about the orders which you will issue jointly in this matter with the OB-Chemie.

The word "OB-Chemie" at the end of the letter is the German designation for the office held by the defendant Krauch. In the meantime, negotiations with the SS for labor supply from the camp were proceeding more than satisfactorily. The defendant Durrfeld, the Director and Construction Manager of the Auschwitz plant, reported to Ambros and other Farben officials late in March that he had talked to SS-Obergruppenfuhrer Karl Wolff, Himmler's personal adjutant, who had promised a first installment of 700 inmates, as well as an exchange of inmates amongst the several SS concentration camps so that the skilled labor would be drawn to Auschwitz. A week later, Durrfeld reported on extensive discussions with the SS camp leader at Auschwitz, the notorious Rudolf Hoess,

who had shown himself "very willing to be of assistance to the best of his ability" and who had promised 1,500 workers during 1941 and more than double that amount for 1942.

On 7 April, a meeting took place at Kattowice, a large Polish industrial city near Auschwitz, and the plant was formally "founded". The defendants Ambros, Buefisch and Duerrfeld were present; Ambros acted as master of ceremonies and commented that: "By reason of an order of the Reichsfuehrer-SS, far-reaching support is being furnished during the building period by the concentration camp of Auschwitz. The camp commander, Sturmbannfuehrer Hoess, has already started preparations for the utilization of his laborers". Ambros forwarded to the defendants Ter Meier various notes on these meetings with a letter stating:

Our new friendship with the SS shows gratifying effects. On the occasion of a supper given for us, at which the commandant of the concentration camp was our host, we established all measures concerning the use of the really excellent organization of the concentration camp for the benefit of the Buna plant.

Later on, Himmler himself visited the Farben plant at Auschwitz and gave a special order to Hoess to make ten thousand inmates available and to give Farben priority over all other industrial organizations in the region. Construction of the plant proceeded, hampered by the lack of accommodations and facilities in the region and the low work output of the starved and terrorized inmates of the camp. The SS herded them to and from the plant, and Farben paid the SS for their "services". In October 1941, at a meeting attended by the defendants Ambros and Buefisch, Duerrfeld reported that: "under present conditions, the utilization of prisoners can not be increased. The fencing-in of the plant area has been started and its completion is the prerequisite for increased utilization of prisoners.....The prisoners arrive too late at the construction site and they are going back too early. In case of fog, guarding them causes difficulty. The work output amounts to about two meters of soil moved per man per day."

Farben's sense of efficiency was outraged, and it decided to build its own concentration camp close to the plant site to house the inmates assigned to its construction. Farben, through the Technical Committee and the Vorstand, approved approximately 5,000,000 Reichsmarks for the

construction of the Concentration Camp Monowitz - Farben's own concentration camp built on its own factory grounds. In the true tradition of concentration camps, Monowitz was surrounded with electrically charged barbed wires, watch towers, SS guards, etc. The inmates living at Concentration Camp Monowitz worked solely for Farben in the construction and operation of I.G. Auschwitz. The saving of time lost in transportation of inmates to and from work was a good investment.

The significance of these events can be better appreciated after a brief glance at the Auschwitz concentration camp itself during this period. Auschwitz was no longer just another concentration camp where victims were starved and abused. It had become a very special type of camp. In June 1941, about two months after the "founding" of the Farben Auschwitz bunk plant, Himmler himself directed the camp commander, Hoess, to commence the extermination of the Jews confined at Auschwitz. In August 1941, the use of a lethal gas known as Zyklon B was tried experimentally on a group of Russian officers at Auschwitz; the method proved highly successful and Hoess proceeded to exploit it. This decision made Hoess famous as the most monstrous mass murderer in history. Special gas chambers were erected at Birkenau and a series of crematoria were constructed to take care of the corpses. Hoess himself estimated that at least 2,500,000 Auschwitz inmates were executed in the gas chambers and exterminated in the crematoria, and that another half million inmates died from starvation or disease. He added that the total of three million represented about 70 or 80 percent of all the persons who came to Auschwitz, and that the remainder were picked out and used as slave workers for the industries located near the camp. Other estimates of the total deaths at Auschwitz run as high as four million persons; it is clear that the rate of extermination during the years 1941 to 1944 was between 75,000 and 100,000 persons every month.

We will spare the Tribunal at this time further details about the tortures and murders which were in progress at the Auschwitz camp while the Farben bunk plant was being built. The defendant Duerrfeld was at the construction site throughout most of this period, he reported regularly.

to his superiors Ambros and Bockfisch, and a number of the defendants visited the Auschwitz project on many or several occasions. What was going on at the camp was a common topic of conversation in Auschwitz and at the factory, was well-known to everyone in the vicinity, and could not help coming into the knowledge of any man of normal perception who visited the place. Quite apart from the extermination program, the physical appearance of the inmates was ghastly beyond belief. Among the thousands of persons who were brought to Auschwitz to work as construction labor on the Farben plant was a group of about twelve hundred British prisoners, who were held at a small prisoner-of-war camp near the Auschwitz plant. Several of these British soldiers will tell the Tribunal, in due course, what they saw and learned at Auschwitz, and from their testimony and other evidence it will clearly appear that the story of Auschwitz, as we now know it, was known to many, if not all, of these defendants much earlier, and that the sights and odors of Auschwitz were readily perceptible at the Farben plant.

As the tens of thousands of unfortunate Jews of Norway, Holland, Hungary, France, Poland and Greece were herded into Auschwitz, more than sixty percent were determined to be unfit for work and were "selected" for immediate gassing. From the remaining forty percent, the best labor was given to I.G. Auschwitz. In spite of the careful "selection", the life span of an inmate coming to I.G. Farben Auschwitz was approximately three months. A group of Norwegians, each weighing between 160 and 190 pounds, were assigned to I.G. Auschwitz in 1942. After six weeks only 10% of this group were still alive. The rest of them had died of exhaustion and the ones that remained alive weighed less than 90 pounds. In two months all were dead.

Inmates who had never performed any hard physical labor were forced to carry in double time hundred pound cement sacks and when they broke down, they were beaten or kicked by kapos and I.G. foremen. Those who could no longer get up were left lying on the ground where they fell, and only in the evening after the working day was finished, were their fellow workers permitted to carry them back to Monowitz. Many of these being carried were no longer alive, but even corpses had to be returned

for roll call. Such death caravans were a daily sight at I.G. Auschwitz.

The mortality was extremely high. From the evidence, it can be estimated conservatively that Farben's concentration camp Monowitz and Farben's Buna plant together took the lives of 25,000 persons. The appalling significance of this figure can only be understood when it is known that Farben's employment of inmates never exceeded 10,000 and the average was somewhere between 5,000 and 7,000. In other words, Farben inmates died at the rate of more than 100% each year.

Exhaustion, malnutrition, freezing for lack of clothing during open air work, and beatings were the principal causes of death. Of course there were other contributing causes. For example, at Monowitz there were only three hospital wards holding about three hundred beds in 1942 - sometimes with two and three patients in one bed. Conditions were so bad that the SS suggested that additional hospital wards be built. But the SS did not have the Farben problem of turning out the most work at the least cost, and Farben turned the request down on the grounds that I.G. Auschwitz did not have space in Monowitz for sick inmates, but only for healthy ones who were able to work. Later two additional wards were installed, but these were completely inadequate since by then there were 10,000 inmates at Monowitz. Because of Farben's policy the hospital wards in Monowitz were used only to treat those inmates who could be cured and made fit for work again very quickly.

There were a number of interesting rules such as the "Five Percent" rule. No more than five percent of the total inmates were permitted to be sick at one time. If that percentage was exceeded, "selections" would take place to eliminate the excess. The excess were sent to Birkenau for gassing. Another rule was the "Fourteen Day" rule. Inmates were admitted to the hospital only if it was thought they could be cured and returned to work within fourteen days.

Thus, those who were worn out or otherwise unable to work because of sores, fractures or other slow-healing incapacities, were "selected" for gassing. Those who were "selected" were thrown on the truck and driven through I.G. Auschwitz on their way to extermination at Birkenau. Inmates who worked at I.G. Auschwitz worked under the constant threat,

often repeated by the I.G. foremen and kapos, that if they did not work hard enough and well enough they would be gassed.

In addition to the kapos and foremen and guards provided by the SS, Farben had its own espionage system within the camp for those inmates who didn't comply with all the rules. Those who violated the rules, such as being caught smoking or warming their hands during working hours, were reported to the SS for appropriate punishment. This punishment often consisted of beatings up to twenty-five double strokes. Full punishment was rarely given since in most cases the victim collapsed before the full twenty-five strokes were completed. The Farben management received reports showing the number of inmates working at the camp, the number of inmates being transported to concentration camp Auschwitz, the number of inmates confined in the hospital wards in Monowitz, and the number of inmates to be fed daily.

A hospital book from the SS records at the Monowitz concentration camp contains a record of Monowitz inmates who were cleared through the Farben hospital at Monowitz during the year 1943. According to these records, 15,000 inmates at the Monowitz concentration camp entered the Farben hospital during this year. The book shows the name of each inmate, the date he entered and the date he departed - dead or alive. Those who died in the hospital are identified by a cross in the column headed "remarks". 750 patients died in 11 months of 1943. Those who were dispatched from the hospital to Auschwitz or Birkenau are identified by the words "nach Auschwitz" and "nach Birkenau". This meant death by extermination in practically every case. "nach Auschwitz" meant that they were sent to the main camp at Auschwitz because they were unfit to work at the buna factory, it being notorious that any such inmates returned to Auschwitz would be sent in due course to the gas chambers. "nach Birkenau" meant that the inmates were sent directly to the gas chambers. Over 2,500 inmates were dispatched from the hospital for extermination.

The true meaning of the foregoing figures can not be fully appreciated unless it is realized that only the healthiest and strongest of the millions that passed through Auschwitz were accepted at Monowitz and that the

vast majority of "selections" for extermination were not made at the hospital but at the gates of the plant and in the barracks. These latter selections weeded out those no longer fit to work, so that only those who had an excellent chance for a quick recovery were even permitted to get into the hospital.

The same general attitude was displayed by Farben towards its own foreign slave laborers. In the minutes of the meeting of officials of I.G. Auschwitz, the labor situation is described as follows: "The Croats allocated seem adequate.... Polish forced laborers were utilized only a few days a week, therefore, judgment not possible... Ukrainian women very qualified for lifting of earth...." Farben's approach to the problem of sickness among its workers reveals its fundamental concept of the workers as mere tools. Even in the case of British prisoners of war, who were treated far better than any others, Farben's attitude was arbitrary and rigorous. Farben laid down the rule that only 3% of the total strength were permitted to be sick. Farben doctors regularly visited the British prisoner of war camp to review the decisions made by the British camp doctor as to those who were unfit to work. In perfunctory examinations averaging less than 30 seconds per man, they would decide that men who were already declared unfit by the British physician, were in fact fit. To enforce its order to work, Farben would bring Wehrmacht squads to the British camp, line up those whom the Farben doctor had declared fit, including many who were still confined to bed, and march them off to work under armed guard.

We think that any further description at this time would be unnecessary, and any effort at emphasis would be superfluous. The facts will be only too plain. In conclusion, we need only remind the Tribunal that in July 1943, when these things had been going on for over two years, the defendant Krauch snatched at Himmler's hint that the SS might "aid the expansion of another synthetic factory... in a similar way as was done at Auschwitz, by making available inmates" of Himmler's camps. Those who were "grateful" for the sponsorship and assistance of Himmler are fortunate that they are called to account in a court of law; their "sponsor" was accustomed to use very different methods.

C. Criminal Medical Experiments

In the field of scientific research, Farben's desires for dominance and control showed the same disregard for human life and human values as in other fields. With the advent of World War II, Farben recognized the great opportunity of expanding the use of chemicals in the treatment of disease. The masses of Russian prisoners of war, and countless inmates of Nazi concentration camps, were available as human subjects for experimentation with various Farben chemicals. It was not particularly important to Farben that many of their drugs had not previously been tested and that others were only in the laboratory stage. The supply of victims was endless.

In the field of pharmaceuticals, the defendant Hoeferlein had overall supervision and control as well as final responsibility. All activities of the Farben plants involving pharmaceuticals were under his control, and it was Hoeferlein who reported to the Vorstand. Apart from this, Hoeferlein was charged with direct responsibility for the Pharmaceuticals Department of I.G. Farben, Leverkusen. The production of pharmaceuticals fell within the ambit of Sparte II, headed by Ter Meer, and many of the plants producing drugs were in the Works Combine Main Valley, headed by Lautenschlaeger.

Then, in December 1941, the SS and Wehrmacht decided to embark upon a series of typhus experiments in order to develop typhus vaccines. Farben was represented at the meeting by Professor Damstra, the defendant Lautenschlaeger's subordinate at Farben's Marburg plant. Before this meeting, which ushered in the whole series of now notorious Buchenwald experiments, Farben was already involved in experimentation on concentration camp inmates and Russian prisoners of war. In August, 1941, in a letter addressed to his "chief" at Leverkusen, Dr. Votter, a member of the SS who had joined Farben's Leverkusen staff in 1938 and who went on active duty with the SS in 1941, wrote that he is now "in one of the largest and best equipped concentration camps." He stated further "As you can imagine, I have ample opportunity of experimenting with our preparation". The Farben reply from Leverkusen, signed by the defendant Hoeferlein's immediate subordinate, Dr. Mertens, states: "We are sending

large quantities of the requested preparation to you....Anything you may need in the future will be delivered to you through the Sales Organization Bayer, Munich. If they cannot furnish the required amount, we will take care of it directly." Subsequent correspondence between Dr. Vetter and Dr. Mertens reveals that Vetter assiduously carried out the requested experiments and regularly reported the results to Leverkusen.

For the present, we will confine ourselves to illustrations taken from the field of typhus experiments in the Buchenwald Concentration Camp. Following the invasion of Russia in 1941, typhus became a serious threat to the Wehrmacht. The use of typhus vaccines was one of the primary methods in meeting that threat. Handloser, Chief of the Army Medical Inspectorate and later Chief of the Medical Services of the Wehrmacht, wrote in November 1941 to Conti, the Secretary of State for Health, suggesting that the production of typhus vaccines be placed in the hands of the large scale pharmaceutical industries. Farben was prepared to answer this call by the production of vaccines and therapeutic drugs. Farben was already producing, in its Behring Works at Marburg, the so-called Cox-Haagen-Gildemeister typhus vaccine which was produced from egg yolks. The protective qualities of this vaccine, however, were not regarded as having been sufficiently proved and it was therefore considered necessary, before increasing production, to establish its efficacy. On 29 December 1941, a conference was held in connection with this problem in which Handloser, Conti, and Krugowsky, of the Hygiene Institute of the Waffen SS, participated. At this conference it was decided that the typhus vaccine from egg yolks was to be tested on human beings to determine its efficacy. On the same date, another conference was held which discussed the same problem. This conference was attended by officials of the Reich Ministry of Interior and the Army Medical Inspectorate and by Zahn, Neumann, and Dr. Demnitz of Farben's Behring Works. The minutes of this conference state that:

The vaccine which is presently being produced from chicken eggs shall be tested for its effectiveness in an experiment. For this Dr. Demnitz will contact Obersturmbannführer Dr. Krugowsky.

If this Behring Works vaccine is proved to be effective, the production capacity of the Behring Works in Marburg shall be essentially increased.

As a result of these conferences, the murderous typhus ward at the Buchenwald concentration camp was set up under the direction of Mrugowsky, of the Hygiene Institute of the Waffen SS, and his subordinate Dr. Ding who actually performed the experiments there. On January 6, 1942 the experiments began with the vaccination of 135 concentration camp inmates with four different vaccines, two of which were produced by the Behring Works of Farben. Early in March 1942, all of these persons, plus an additional ten inmates who had not been previously protected by vaccination, were artificially infected with a virulent typhus virus. The experimental series was concluded in April 1942 with five deaths, two of which were from the groups vaccinated with the Behring vaccines. A report on this experimental series was sent to Dr. Dembits of the Behring Works Marburg, among others.

Farben continued to use the facilities available at Buchenwald for further criminal experiments to test other drugs. In September 1942, the defendants Heurlin and Lautenschlaeger were urging Mrugowsky to test the therapeutic effect of Preparation 3582 "Akridin" and Menthalyne Blue on typhus. In January 1943, 47 inmates were artificially infected, 40 of whom were to be treated with akridin and menthalyne blue after the inception of the disease, and seven of whom were to be used as controls without any treatment. This experiment was regarded as a failure because the virus used for artificial infection had become attenuated and did not cause typical typhus among the experimental subjects. In spite of that, one of the subjects died.

In order to perform the experiments requested by Farben, Ding applied a sure method of artificial infection by means of the intravenous injection of typhus-infected fresh blood. This method of infection was highly successful and in April 1943, experiments were again performed with akridin and rutonal which were made available by Farben. Of thirty-nine inmates used as experimental subjects, twenty-one died. It is significant to note that before this experiment was finally executed, Dr. Ding conferred with the defendant Lautenschlaeger and Drs. Wober

and Fussgaenger at I.G. Farben, Hoechst. I.G. Farben Hoechst received a full report on these experiments.

Not only was Farben fully apprised of what was going on at Buchenwald, but every division of Farben which had any interest was informed of the activities and the experiences of other divisions of Farben. The close coordination and integration of information in the giant Farben firm is nowhere better illustrated than in the pharmaceutical field. What happened at I.G. Farben Hoechst was immediately transmitted to I.G. Farben Elberfeld, I.G. Farben Marburg, and I.G. Farben Leverkusen; similarly, the experiences of I.G. Farben Leverkusen went the rounds via letters and interoffice memoranda to the remainder of the Farben empire.

The prosecution will show beyond any reasonable doubt that the responsible officials of I.G. Farben, particularly the defendants Hoorlein and Lautenschlaeger who were directly in charge of pharmaceuticals for I.G. Farben, consistently promoted and encouraged the testing of Farben chemicals on the helpless victims of concentration camps although fully aware of the conditions under which these experiments were being performed.

The prosecution is cognizant of the fact that it is permissible to experiment on human beings under circumstances which are neither illegal nor immoral. But the one fundamental requirement without which all such experiments become not only illegal but completely unjustifiable and inexcusable is the requirement that there be consent on the part of the persons upon whom the experiments are to be performed. This principle has been clearly enunciated in the Judgment of Military Tribunal I in the medical case recently concluded in this court room. The prosecution in this case will show that the concentration camp inmates used in the experiments were given no choice whatever. Farben participated in the experiments in Buchenwald and other concentration camps although its officials know full well that the miserable victims had not volunteered for the murderous experiments to which they were subjected.

CONCLUSION

We have concluded the outline of the evidence which the prosecution will offer under the several counts of the indictment, and I have only a few more words by way of conclusion. Each of these defendants is charged with criminal responsibility for the crimes charged in the indictment because of his individual participation in such crimes. If any of the defendants are to be found guilty, it must be because, in the words of the Judgment which was rendered on August 19, 1947, by Military Tribunal I: "The evidence has shown beyond a reasonable doubt that such defendant, without regard to nationality or the capacity in which he acted, participated as a principal in, accessory to, ordered, abetted, took a consenting part in, or was connected with plans or enterprises involving the commission of (the crimes).....which are the subject matter of these counts. Under no other circumstance may he be convicted."

The defendants were all responsible and highly placed officials of the I. G. Farbenindustrie. But the corporate entity, the legal person, I. G. Farben, did not commit crimes. It was merely the instrumentality of the men who guided and directed it. In determining who were the men who furnished this guidance and direction, we are driven inevitably to the members of the Vorstand and to other leading officials of the corporation.

In outlining the evidence today, we have repeatedly directed the Tribunal's attention to documents or other evidence to be offered, from which the direct participation of particular defendants in the entire complex of criminal acts is to be ascertained. In the course of the trial, these and other documents will give the Tribunal ample basis for determining the scope of direct activity by each defendant, and the principal fields in which each of them took initiative and exercised direct management.

But, over and above the responsibility of each defendant in his own primary sphere of activity, the over-all responsibility of the twenty defendants who are members of the Vorstand is inescapable. No doubt the Tribunal will wish further discussion of this point after the evidence has been taken, and when the documents which establish the responsibility of

the Vorstand and show what action it took have been spread upon the record. For the moment, we seek only to remind the Tribunal that the members of the Vorstand were the members of the actual managing board, the agency charged with responsibility for determination of policy and the management of the concern, and the agency which in fact did make policy and which in fact did manage the concern. The Vorstand was composed of individuals who saw, heard, planned, and acted. Although as a matter of administrative operation, individual members were delegated broad authority in designated fields, they were required by the by-laws to submit all important matters coming within their own spheres to the entire Vorstand for decision. The evidence clearly establishes that this practice was followed as a matter of course, and although there was an area of discretion which authorized an individual Vorstand member to act on his own responsibility where urgency required, that member nevertheless was required to report at the next session of the full Vorstand about the matter in which he took independent action.

Knowledge of the many details involved in the execution of all matters of general Farben policy was certainly not known to every or, in fact, to any individual Vorstand member. The field of play was far too vast. But the matters we have set forth as the principal strands in this net-work of crime were known to the defendants of the Vorstand either because they participated in policy making, in planning, in execution, or because they approved and ratified upon learning of the acts of other Vorstand members or of other Farben officials.

Moreover, even where a defendant may claim lack of actual knowledge of certain details, there can be no doubt that he could have found out had he, in the words of Military Tribunal No. 1 made "the slightest investigation". Each of the defendants, with the possible exception of the four who were not Vorstand members, was in such a position that he either knew what Farben was doing at Iwona, Bitterfeld, Berlin, Auschwitz, and elsewhere, or, if he had no actual knowledge of some particular activity, again in the words of Military Tribunal No. 1, "occupying the position that he did, the duty rested upon him to make some adequate investigation". One can not accept the prerogatives of authority without shouldering responsibility.

The four defendants who were not Vorstand members were named in the indictment because they played a particularly crucial role in the crimes charged in the indictment. The defendant Durrfeld, as Director and Construction Manager of the Auschwitz plant, is heavily implicated in the use and abuse of slave labor, in spoliation activities in Poland, and consequently in the waging of aggressive war. The defendant Gattineau was, among other things, the conduit through which other Farben officials were placed in appropriate contact with important Reich and Nazi party leaders to facilitate the execution of the criminal program. For six crucial years, he directed Farben's Political-Economic Policy Department, which was officially charged with maintaining liaison with the Reich and Party agencies and played an important role in Farben's preparations for aggressive war. After 1938, as manager of one of Farben's largest explosive plants in occupied territory, he participated in the procurement and abuse of slave labor and in spoliation activities. The defendant von der Heyde, apart from his membership in the SS, an organization declared criminal by the International Military Tribunal, was implicated in the same general activities as Gattineau. The defendant Kugler was one of Farben's most expert agents in the planning and consummation of spoliation in numerous occupied countries, and thus played a major role in the waging of aggressive war and in the unlawful plundering of occupied territories. The participation of these four defendants in the activities described in the indictment is so direct as to require no further elaboration.

I have emphasized the responsibility of the defendants as officials of I.G. Farben because the greater part of the crimes charged in the indictment were committed by the defendants in the exercise of their functions as Farben officials. But the defendants are not charged only as Farben officials, and they are responsible for their actions in whatever capacity such action was taken by them. Most of the defendants held highly responsible governmental or quasi-governmental positions. The outstanding example, but by no means the only one, is the defendant Krauch. At least as early as 1936, Krauch was a highly important Reich official and, after 1938, when he became one of Goering's chief deputies, he

assumed principal responsibility as a governmental official for marshalling the chemical industry in preparation for invasions and aggressive wars. Krauch's responsibility for his actions as a government official is independent of, and not derivative from, his responsibility as a member of the Vorstand and, later, the Aufsichtsrat, of I.G. Farben.

Indeed, the defendants' dual status as managers of an enormously powerful private enterprise and as officials of the Third Reich underlines a question which inevitably shapes itself in the mind when viewing this case as a whole. Where did the loyalties of these men lie, and what ideal, if any, did they acknowledge?

Some light is shed on this question by an interesting series of meetings which took place in 1944 and 1945, in the course of which the defendants endeavored to formulate plans "in case the war was lost" in order "to escape a seizure of available assets of I.G." and "to keep foreign selling companies running during the period in which the communications with them would probably be broken". The defendant Eigner suggested a plan to "sell" all Farben's important patents in Germany to camouflage companies in one of the neutral countries, in order to prevent seizure of the patents by Allied authorities if Germany were occupied. At the same time, the defendant von Schnitzler was concerned about possible confiscation of the stocks of merchandise of the various Farben sales agencies throughout Europe; he was worried that they might have to close for lack of merchandise, since if Germany lost the war communications would be interrupted and, at least for a time, Farben would not be able to deliver any goods to foreign countries.

Certainly one can not say of these defendants that they do not look far ahead, but one can not avoid the impression that their field of vision is phenomenally narrow. In 1945, after Germany's defeat, the defendant von Schnitzler expressed himself as being certain that the French chemical industry would be only too glad to resume its cartel relationships with Farben and, apparently uncouraged by the manifestations of astonishment which this observation evoked, and taking them for indications of real interest in the idea, he promptly volunteered to elaborate more fully the "propositions which were adapted to the

present situation". And at about the same time, the defendant Ilgnor, in a letter to his former associates, stated:

In any case, we should try immediately to make all preparations so that the entire set up is ready to operate again as soon as the American authorities decide how and to what extent the I.G. is to work in the future.

It is indeed a strange lens through which the defendants view the world. One might marvel at such sublime insensitivity were it not joined to such calculated purpose, brilliant capacity, and ruthless contempt for the world and its laws. A touch of power, and they are warped beyond redemption. The creative talents with which they were endowed were perverted, and their science became a malignant alchemy. There is no loyalty in these men - not to science, nor to Germany, nor to any discoverable ideal, and Germany can only be the better for putting their actions to the test of law and truth.

MILITARY TRIBUNALS

Nurnberg, Germany

Case
6

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF

OF THE PROSECUTION

INTRODUCTION

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PRELIMINARY MEMORANDUM BRIEF OF THE PROSECUTION

GENERAL INTRODUCTION

This preliminary brief is submitted at the request of the Tribunal, as an intermediate brief at the close of the prosecution's case-in-chief. The purpose is to indicate, in a general way, the theory of the prosecution, with appropriate references to the evidence which, in its opinion, supports that theory. It is not intended as a final brief which the prosecution will submit at the conclusion of the case, which brief necessarily will contain a more detailed analysis of both the law and the facts.

No special attempt will be made at this time, to particularize the activities with which each of the individual defendants are concerned. The discussion of the evidence primarily relating to the activities of the "instrumentality of Farben" will, we believe, sufficiently portray the evidentiary picture to enable the Tribunal to ascertain whether the evidence supports the legal theory herein set forth. Our discussion of the "General Theories of Responsibility" in Part VI will indicate why we believe for present purposes, a detailed analysis of the activities of each of the individual defendants, is not necessary.

The preliminary brief of the prosecution will be divided into seven sections, namely, Introduction; Part I - Planning, Preparing, Initiation and Waging of Wars of Aggression and Invasions of Other Countries; Part II - Plunder and Spoliation; Part III - Slavery and Mass Murder; Part IV - Membership in the SS; Part V - Conspiracy; and Part VI - General Theories of Responsibility.

The Indictment.

The Indictment contains five counts and charges that the defendants "acting through the instrumentality of Farben and otherwise", committed Crimes against Peace, War Crimes, and

- > Crimes against Humanity, and participated as leaders, organizers, instigators, and accomplices in the formulation and execution of a common plan or conspiracy to commit, or which involved the commission of Crimes against Peace.

Count I sets forth the activities which, it is charged, constitute the commission of Crimes against Peace. In that connection, it should be noted that the allegations contained in Count II relating to plunder and spoliation of property, and the allegations contained in Count III relating to slave labor and mass murder, are specifically incorporated into Count I as constituting activities which were an integral part of the planning, preparation, initiation and waging of wars of aggression and invasion of other countries.

Count II sets forth the activities which, it is charged, constitute the commission of War Crimes and Crimes against Humanity, particularly as they relate to the plunder of public and private property, exploitation, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of invasions and aggressive wars.

Count III sets forth the activities which, it is charged constitute the commission of War Crimes and Crimes against Humanity, particularly as they relate to the enslavement and deportation to slave labor of civilian populations of countries and territories under the belligerent occupation and control of Germany, enslavement of concentration camp inmates, use of prisoners of war, and mistreatment and murder of enslaved persons.

Count IV sets forth the charges relating to membership in the SS.

Count V sets forth the activities which, it is charged, constitute the crime of a conspiracy to commit Crimes against the Peace.

The Jurisdictional Enactments

The Judgement of Military Tribunal III in the case of U. S. vs. Altstotter, et al (the Justice Case), which was rendered on 3 December 1947, discusses at length the jurisdictional enactments underlying these tribunals, and we respectively refer this Tribunal to the discussion in that opinion. (Tr. p. 10609 - et seq Case III). In the course of this opinion, Military Tribunal III stated:

"Frank recognition of the following facts is essential. The jurisdictional enactments of the Control Council, the form of the indictment, and the judicial procedure prescribed for this Tribunal are not governed by the familiar rules of American criminal law and procedure. This Tribunal, although composed of American judges schooled in the system and rules of the common law, is sitting by virtue of international authority and can carry with it only the broad principles of justice and fair play which underlie all civilized concepts of law and procedure." (Tr. p. 10648)*

Nor is the International character of this Tribunal affected in any way by the fact that its proceedings are taking place in Germany. The opinion of Military Tribunal No. III in this regard states:

"The fact that Control Council Law No. 10 on its face is limited to the punishment of German criminals does not transform this Tribunal into a German court. The fact that the Four Powers are exercising supreme legislative authority in governing Germany and for the punishment of German criminals does not mean that the jurisdiction of this Tribunal rests in the slightest degree upon any German law, prerogative, or sovereignty. We sit as a Tribunal drawing its sole power and jurisdiction from the will and command of the Four occupying powers." (Tr. p. 10620).

* The distinction should be noted between American Military Commissions established to try offenses under the Articles of War and the laws of nations - (Ex. Parte Quirin, 317 U.S. 1, and Application of Yamashita, 327 U.S. 1) and the International Military Tribunals here involved. As to the former, they have been held not to be courts in the sense of the Judiciary Article of the Constitution and perform functions "which may constitutionally be performed by the military arm of the nation in time of war". The procedural requirements of trial by jury and the Fifth and Sixth Amendments of the Constitution applicable to "judicial courts" are not applicable to the trial of offenses against the Laws of War by such Military Commissions. (Ex. Parte Quirin, supra).

A reference to the international agreements which gave rise to the creation of these International Military Tribunals to try major war criminals will indicate the purpose of its creation.

On 30 October 1943, President Roosevelt joined with Prime Minister Churchill and Premier Stalin in publishing a statement at Moscow that those who were responsible for or took a consenting part in atrocities, massacres or executions would be sent back to the countries in which their deeds were done in order that they might be judged and punished according to the laws of the liberated countries and of free governments established therein, except with respect to those German criminals whose offenses had no particular geographical localization and who would be punished by joint decision of the Governments of the Allies. At Yalta, on 7 February 1945, the Allied chiefs again stated their determination to bring all war criminals to justice and swift punishment.

On 2 May 1945 by Executive Order 9547, President Truman appointed Mr. Justice Robert H. Jackson as the Representative of the United States and its Chief of Counsel for the preparation and prosecution of the case against major Axis war criminals. Acting in such representative capacity, Mr. Justice Jackson conferred with representatives of the United Kingdom, the Provisional Government of the French Republic, and the Union of Soviet Socialist Republics. These conferences led to the adoption of the London Agreement of 8 August 1945, signed by Mr. Justice Jackson for the United States; M. Francois de Menthon for France; Sir Hartley Shawcross for Britain; and General R. Rudenko for the Soviet Union. Provision was made for other nations to join the Agreement, and ultimately 23 Governments adhered to it.

This agreement established the International Military Tribunal, the constitution, jurisdiction, and functions of

which were set out in the Charter appended to and incorporated as a part of the Agreement. The International Military Tribunal was to consist of four members, each with an alternate, appointed by each of the original signatory powers. The Tribunal was given power to try and punish major war criminals who committed crimes against peace, war crimes, or crimes against humanity as defined in the Charter.

The Moscow Conference of 30 October 1943 also set up the European Advisory Commission to draft surrender terms and to deal with other matters pertaining to enemy states. Certain agreements of the Commission were made public to the form of declarations and proclamations issued after the unconditional surrender of Germany signed at Rheims on 7 May 1945 by Jodl, and at Berlin on 8 May 1945 by Freideberg, Keitel and Stumpf on behalf of the German High Command. These agreed declarations, founded on the previous agreements of the European Advisory Commission, constitute the legal basis for the quadripartite occupation government of Germany.

The declaration of 5 June 1945 by the Allied Representatives of the United States, United Kingdom, Union of Soviet Socialist Republics, and the Provisional Government of France, regarding the defeat of Germany made clear to the world that Germany had, by her unconditional surrender, forfeited all authority and powers to the victorious nations. The first paragraph of this declaration states:

"The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally, and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her." The declaration further provides: "The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, hereby assume authority with respect to Germany, including all the powers possessed by the German government ..."

The statement of 5 June 1945 of the governments of the United States, United Kingdom, Union of Soviet Socialist Republics, and the Provisional Government of France, on control machinery in Germany conferred supreme authority in Germany on the four commanders in chief, individually in their respective zones of occupation, and collectively in matters affecting Germany as a whole. The first two paragraphs of this statement provide:

"1. In the period when Germany is carrying out the basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their Governments, by the British, United States, Soviet and French Commanders in Chief, each in his own zone of occupation and also jointly, in matters affecting Germany as a whole. The four Commanders in Chief will together constitute the Control Council. Each Commander in Chief will be assisted by a Political Advisor."

"2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders in Chief in their respective zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole."

Control Council Proclamation No. 1 of 30 August 1945 proclaimed the official creation of the Control Council for Germany and redefined its powers. Articles I and II of this Proclamation provide as follows:

"As announced on 5 June 1945, supreme authority with respect to Germany has been assumed by the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, and the Provisional Government of the French Republic."

"In virtue of the supreme authority and powers thus assumed by the four Governments the Control Council has been established and supreme authority in matters affecting Germany as a whole has been conferred upon the Control Council."

In order to give effect to the terms of the Moscow Declaration of 30 October 1943, and the London Agreement of 8 August 1945, and the Charter appended thereto, and in order to establish a uniform basis in Germany for the prosecution of war criminals other than those indicted before the International Military Tribunal, the Control Council for Germany, on 20 December 1945, pursuant to its supreme authority in Germany, enacted Control Council Law No. 10.

The Moscow Declaration of 30 October 1943 and the London Agreement of 8 August 1945 were declared integral parts of Control Council Law No. 10, (Art I) and the acts described as criminal in the Law, (Art II), were almost, although not entirely identical to those set out in the London Agreement. The Law provided that each occupying power, within its Zone of Occupation, could arrest persons suspected of having committed a crime, report to the Legal Directorate of the Control Council the names of suspected criminals, and bring to trial before an appropriate tribunal, such persons arrested and not delivered to another authority for trial (Art. III). Provision was made for the trial of Germans in German courts for offenses committed against Germans and stateless persons (Art III, Sec 1d). Any property declared forfeited was required to be delivered to the Control Council (Art. II, Sec. 3). The Zone Commanders were to determine for their respective zones the tribunals and rules of procedure in and under which persons charged with offenses under the Law would be tried (Art. III, Sec 2).

For the purpose of implementing Control Council Law No. 10 in the United States Zone of Occupation, the Military Governor, on 18 October 1946, promulgated Military Government Ordinance No. 7. The Ordinance was amended on 17 February 1947 by Military Government Ordinance No. 11. On 11 April 1947 Regulation No. 1 was issued pursuant to Military Government Ordinance No. 7, as so amended. Military Government Ordinance No. 7 provides for the establishment of Military Tribunals within the United States Zone of Occupation with power to try and punish persons charged with offenses recognized as crimes in Article II of Control Council Law No. 10, including conspiracies to commit any such crimes.

In this connection, it would be well to recall the opinion of the International Military Tribunal stating (Vol 1, page 218)

"The jurisdiction of the Tribunal is defined in the Agreement and Charter, and the crimes coming within the jurisdiction of the Tribunal, for which there shall be individual responsibility, are set out in Article 6. The law of the Charter is decisive, and binding upon the Tribunal."

"The making of the Charter was the exercise of the sovereign legislative power by the countries to which the German Reich unconditionally surrendered; and the undoubted right of these countries to legislate for the occupied territories has been recognized by the civilized world. The Charter is not an arbitrary exercise of power on the part of the victorious nations, but in the view of the Tribunal, as will be shown, it is the expression of international law existing at the time of its creation; and to that extent is itself a contribution to international law."

"The Signatory Powers created this Tribunal, defined the law it was to administer, and made regulations for the proper conduct of the trial. In doing so, they have done together what any one of them might have done singly; for it is not to be doubted that any nation has the right thus to set up special courts to administer law. With regard to the constitution of the court, all that the defendants are entitled to ask is to receive a fair trial on the facts and law."

Plainly Control Council Law No. 10 rests upon the exercise of the "sovereign legislative power" of the countries to which the German Reich unconditionally surrendered (Judgment of Military Tribunal III, Tr. page 10623).

But "entirely aside from its character as substantive legislation, Control Council Law No. 10 together with Ordinance No. 7, provides procedural means previously lacking for the enforcement within Germany of certain rules of international law which exist through the civilized world, independently of any new substantive legislation. International Law is not the product of Statute. Its contents is not static. The absence from the world of any governmental body authorized to enact substantive rules of International Law has not prevented the progressive development of that law. As the manner of the English Common Law it has grown to meet the exigencies of changing conditions." (Judgment of Military Tribunal No. III, page 10624).

In that judgment, the Military Tribunal called attention to the fact that:

"It is important to distinguish between the rules of Common International Law which are of universal and superior authority on the one hand, and the provisions for enforcement of those rules which are by no means universal on the other" (opinion Supra P-10628).

After stating the problem in that fashion, the Tribunal concluded:

"Notwithstanding the paramount authority of the substantive rules of Common International Law the doctrines of national sovereignty have been preserved through the control of enforcement machinery. *** In Germany, an international body (the Control Council) has assumed and exercised the power to establish judicial machinery for the punishment of those who have violated the rules of the common international law, a power which no international authority without consent could assume or exercise within a State having a national government presently in the exercise of its sovereign powers." (Page 10630).

The importance of Allied declarations which preceded the enactment of Control Council Law No. 10 is stated by Military Tribunal No. III as follows:

"Whether it (Control Council Law No. 10) be considered codification or substantive legislation, no person who knowingly committed the acts made punishable by Control Council Law No. 10 can assert that he did not know that he would be brought to account for his acts. Notice of intent to punish was repeatedly given by the only means available in international affairs, namely, the solemn warning of the governments of the States at war with Germany. Not only were the defendants warned of swift retribution by the express declaration of the Allies at Moscow of 30 October 1943, but long prior to the Second World War the principle of personal responsibility has been recognized." (Page 10639)

CONTROL COUNCIL LAW NO. 10 and ORDINANCE NO. 7

The following are the provisions of Control Council Law No. 10 and Ordinance No. 7, which are particularly pertinent in this case.

Control Council Law No. 10:

"Article II

1. Each of the following acts is recognized as a crime:

(a) Crimes against Peace. Initiation of invasions of other countries and wars of aggression in violation of international law and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war of violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

(b) War Crimes. Atrocities or offenses against persons or property constituting violations of the laws or customs of war, including but not limited to, murder, ill treatment or deportation to slave labor or for any purpose, of civilian population from occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

(c) Crimes against Humanity. Atrocities and offenses including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds whether or not in violation of the domestic laws of the country where perpetrated.

(d) Membership in categories of a criminal group or organization declared criminal by the International Military Tribunal.

2. Any person without regard to nationality or the capacity in which he acted, is deemed to have committed a crime as defined in paragraph 1 of this Article, if he was (a) a principal or (b) an accessory to the commission of any such crime or ordered or abetted the same or (c) took a consenting part therein or (d) was connected with plans or enterprises involving its commission or (e) was a member of any organization or group connected with the commission of any such crime or (f) with reference to paragraph 1 (a),

if he held a high political, civil or military (including General Staff) position in Germany or in one of its allies, co-belligerents or satellites or held high position in the financial, industrial, or economic life of any such country. * * *

4. (a) The official position of any person, whether as Head of State or as a responsible official in a Government Department does not free him from responsibility for a crime or entitle him to mitigation of punishment.

(b) The fact that any person acted pursuant to the order of his Government or of a superior does not free him from responsibility for a crime, but may be considered in mitigation."

Ordinance No. 7 of the Military Government of Germany:

"ARTICLE I

"The determination of the International Military Tribunal in the judgments in Case No. 1 that invasions, aggressive acts, aggressive war, crimes, atrocities, or inhumane acts were planned or occurred, shall be binding on the tribunals established hereunder and shall not be questioned except insofar as the participation therein or knowledge thereof by any particular person may be concerned.

"Statements of the International Military Tribunal in the judgments in Case No. 1 constitute proof of the facts stated, in the absence of substantial new evidence to the contrary."

Case 6
Prosecution

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF
OF THE PROSECUTION

PART I

PLANNING, PREPARING, INITIATION, AND WAGING OF WARS
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COUNT ONE
PLANNING, PREPARATION, INITIATION AND WAGING
OF WARS OF AGGRESSION AND INVASIONS OF
OTHER COUNTRIES

INTRODUCTION

Article II of Control Council Law #10 prescribes as crimes against peace:

"Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing."

Article I of Military Government Ordinance #7, under which this Tribunal is established, provides that:

"The determinations of the International Military Tribunal in the judgment in Case #1 that invasions, aggressive acts and aggressive wars, crimes, atrocities or inhumane acts were planned or occurred, shall be binding on the tribunals establishment hereunder and shall not be questioned except insofar as participation therein or knowledge thereof of any particular person may be concerned. Statements of the International Military Tribunal in the Judgment in Case #1 shall constitute proof of the facts stated, in the absence of substantial new evidence to the contrary."

The basic questions at issue under Count I, therefore, are the extent to which the defendants participated in the preparation for and initiation of invasions and aggressive wars which were planned and which did occur and the state of mind with which the defendants so participated.

The necessary degree of connection with the crime to establish the guilt of the defendants is to be determined by paragraph 2 of Article II of Control Council Law #10, and in the light of recognized principles of criminal law. Paragraph 2 sets forth that an individual shall be found guilty of the crimes defined in Law #10 if he was (a) a principal, or (b) an accessory, or if he (c) took a consenting part therein, or (d) was connected with plans and enterprises involving the commission of the crime, or (e) was a member of an organization or group connected with the commission of the crime.

A further provision of this paragraph, applicable only with respect to crimes against peace, states that the holders of high political civil or military positions in Germany, or of high positions in the financial, industrial or economic life of Germany, are deemed to have committed such crimes.

This provision, we believe, is not intended to attach criminal guilt automatically to all holders of high positions. It does require, however, that the fact that a person held such a position be taken into consideration together with all the other evidence in determining the extent of his knowledge and participation.

In construing the provisions of Control Council Law #10 relating to crimes against peace we must take cognizance of the situation that existed prior to the enactment of this law and what the objective of the International community was in defining this crime. An excellent and learned discussion on these questions is contained in the opinions of the following eminent authorities concerning the trial before the International Military Tribunal.

The former Secretary of State and Secretary of War of the United States, the Honorable Henry L. Stimson, in an article, "The Nuremberg Trial: Landmark in Law," 25 Foreign Affairs, 179 (January 1947), makes these observations:

"International law is not a body of authoritative codes or statutes; it is the gradual expression, case by case, of the moral judgments of the civilized world. As such, it corresponds precisely to the common law of Anglo-American traditions. We can understand the law of Nuremberg only if we see it for what it is -- a great new case in the book of international law, and not a formal enforcement of codified statutes.

The attempt to moderate the excesses of war without controlling war itself was doomed to failure by the extraordinary scientific and industrial developments of the nineteenth and twentieth centuries. By 1914 the world had been intertwined into a single unit and weapons had been so far developed that a major war could shake the whole structure of civilization. No rules of warfare were sufficient to limit the vast new destructive powers of belligerents, and the First World War made it clear that old notions must be abandoned; the world must attack the problem at its root. Thus after 1918 repeated efforts were made to eliminate aggressive war as a legal national undertaking. These efforts reached their climax in the Kellogg-Briand Pact of 1928, in which 63 nations, including Germany, Japan and Italy, renounced aggressive warfare. This pact was not an isolated incident of the postwar era. During that period the whole world was at one in its opinion of aggressive war. In repeated resolutions in the League of Nations and elsewhere, aggression was roundly denounced as criminal. In the judgment of the peoples of the world the once proud title of "conqueror" was replaced by the criminal epithet "aggressor".

The progress made from 1918 to 1931 was halting and incomplete, but its direction was clear; the mandate for peace was overwhelming. Most tragically, the peoples who had renounced war were not sufficiently alert to their danger when in the following years the

the ruling groups of three great nations, in wanton denial of every principle of peace and civilization, launched a conspiracy against the rest of the world. Thus it happened that in the ten years which began with the invasion of Manchuria the principles of the Kellogg Pact were steadily under attack, and only as the danger came slowly home to each one of them individually, did the peace-loving nations take action against aggression. In early 1945, as it became apparent that the long delayed victory was at hand, the question posed itself directly: Has there been a war of aggression and are its leaders punishable? There were many then, as there are some now, who argued that there was no law for this offense, and they found their justification in the feebleness and acquiescence of other nations in the early aggression of the Axis. Other counsels prevailed, however, and by the Charter of the Nuremberg Tribunal the responsible leaders of aggressive war were subjected to trial and conviction on the charge of crimes against peace.

Here we come to the heart of the matter. Able lawyers and honest men have cried out that this aggressive war was not a crime. They have argued that the Nuremberg defendants were not properly forewarned when they made war that what they did was criminal.

Now in one sense the concept of ex post facto law is a strange one to apply here, because this concept relates to a state of mind on the part of the defendants that in this case was wholly absent. That concept is based on the assumption that if the defendant had known that the proposed act was criminal he would have refrained from committing it. Nothing in the attitude of the Nazi leaders corresponds to this assumption; their minds were wholly untroubled by the question of their guilt or innocence. Not in their aggression only but in their whole philosophy, they excluded the very concept of law. They deliberately put themselves below such a concept. To international law -- as to the law of Germany -- they paid only such respect as they found politic, and in the end they had smashed its every rule. Their attitude toward aggressive war was exactly like their attitude toward murder--both were useful instruments in a great design. It is therefore impossible to get any light on the validity of this charge of aggressive war by inspecting the Nazi mind. We must study rather the minds of the rest of the world, which is at once a less revolting and a more fruitful labor.

What did the rest of us think about aggressive war at the time of the Nazi attacks? This question is complex, but to that part of it which affects the legality of the Nuremberg trial we can give a simple answer. That we considered aggressive war wicked is clear; that we considered the leaders of an aggressive war wicked is equally clear. These opinions, in the large part formally embodied in the Kellogg Pact, are the basis for the law of Nuremberg. With the detailed reasoning by which the prosecution has supported the law set forth in the Charter of the International Military Tribunal, we cannot here concern ourselves. The proposition sustained by the Tribunal is simple: if a man plans aggression when aggression has been formally renounced by his nation, he is a criminal. Those who were concerned with the law of this proposition cannot do better than to read the pertinent passages in the opening address of Mr. Justice Jackson, the closing address of Sir Hartley Shawcross, and the opinion of the Tribunal itself.

Now this is a new judicial process, but it is not ex post facto law. It is the enforcement of a moral judgment which dates back a generation. It is a growth in the application of law that any student of our common law should recognize as natural and proper, for it is in just this manner that the common law grew up. There

was, somewhere in our distant past, a first case of murder, a first case where the tribe replaced the victim's family as judge of the offender. The tribe had learned that the deliberate and malicious killing of any human being was, and must be treated as, an offense against the whole community. The analogy is exact. All case law grows by new decisions, and where these new decisions match the conscience of the community, they are law as truly as the law of murder. They do not become *ex post facto* law merely because until the first decision and punishment comes, a man's only warning that he offends is in the general sense and feeling of his fellow men.

The charge of aggressive war is unsound, therefore, only if the community of nations did not believe in 1939 that aggressive war was an offense. Morally to make such a suggestion, however, is to discard it. Aggression is an offense, and we all know it; we have known it for a generation. It is an offense so deep and heinous that we cannot endure its repetition.

The law made effective by the trial at Nuremberg is righteous law long overdue. It is just such cases as this one that the law becomes more nearly what Mr. Justice Holmes called it: 'the witness and external deposit of our moral life.'

And in concluding his article, the learned author states:

"A single landmark of justice and honor does not make a world of peace. The Nazi leaders are not the only ones who have renounced and denied the principles of western civilization. They are unique only in the degree and violence of their offenses. In every nation which acquiesced even for a time in their offense, there were offenders. There have been still more culpable offenders in nations which joined before or after in the brutal business of aggression. If we claimed for Nuremberg that it was final justice, or that only those criminals were guilty, we might well be criticized as being swayed by vengeance and not justice. But this is not the claim. The American prosecutor has explicitly stated that he looks uneasily and with great regret upon certain brutalities that have occurred since the ending of the war. He speaks for us all when he says that there has been enough blood-letting in Europe. But the sins of others do not make the Nazi leaders less guilty, and the importance of Nuremberg lies not in any claim that by itself it clears the board, but rather in the pattern it has set. The four nations prosecuting, and the 19 other subscribing to the Charter of the International Military Tribunal, have firmly bound themselves to the principle that aggressive war is a personal and punishable crime.

It is this principle upon which we must henceforth rely for our legal protection against the horrors of war. We must never forget that under modern conditions of life, science and technology, all war has become greatly brutalized, and that no one who joins in it, even in self-defense, can escape becoming also in a measure brutalized. Modern war cannot be limited in its destructive methods and in the inevitable debasement of all participants. A fair scrutiny of the last two World Wars makes clear the steady intensification in the inhumanity of the weapons and methods employed by both the aggressors and the victims. In order to defeat Japanese aggression, we were forced, as Admiral Nimitz has stated, to employ a technique of unrestricted submarine warfare not unlike that which 25 years ago was the proximate cause of our entry into World War I. In the use of strategic air power, the Allies took the lives of hundreds of thousands of civilians in Germany, and in Japan the destruction of civilian life wrought by our B-29's, even before the final blow of the atomic bombs, was at least proportionately great. It is true that our use of this destructive power, particularly of the atomic bomb, was for the purpose of winning a quick

victory over aggressors, so as to minimize the loss of life, not only of our troops but of the civilian populations of our enemies as well, and that this purpose in the case of Japan was clearly effected. But even so, we as well as our enemies have contributed to the proof that the central moral problem is war and not its methods, and that a continuance of war will in all probability end with the destruction of our civilization.*

International law is still limited by international politics, and we must not pretend that either can live and grow without the other. But in the judgment of Nuremberg there is affirmed the central principle of peace -- that the man who makes or plans to make aggressive war is a criminal. A standard has been raised to which Americans, at least, must repair; for it is only as this standard is accepted, supported and enforced that we can move onward to a world of law and peace."

Professor Jessup, writing on "The Crime of Aggression and the Future of International Law", 62 Political Science Quarterly 1, 4 (1947) states:

"The two aspects of the precedent afforded by the trial of the war criminals which are most important for the future are, first, the control of war by law and, second, the application of international law to the individual. To appraise the importance of these aspects it is necessary to recall the situation which has existed and which may now be improved. The attempt to develop an international criminal law which will serve as a deterrent to war through the imposition of punishment upon individuals has been discussed often before in academic hall and printed page. It has also been ably argued in international committees. This is the first moment in history when action upon such proposals is not only politically possible but necessary. It is 'necessary' because the precedent will not stand still. If we do not strengthen it and move it forward, it will slide backward. Inaction by the whole society of nations from now on would constitute a repudiation of the precedent with the consequence that the last state of the world would be worse than the first. It would constitute an assertion that aggressive war is not a crime and that the individual who is guilty of endangering the international public repose is not to be treated as a criminal".

The advance made in international law by the trial of individuals for the commission of crimes against Peace is stated by the learned author in the following terms:

"Whereas the traditional international system put the burden on the state to restrain the individual, the precedent of the trial of the war criminals suggests that pressure in the form of fear or punishment should be put upon individuals to restrain the state."

* Compare Wechsler, "The Issues of the Nuremberg Trial", 62 Political Science Quarterly 11, 17: "The greatest evil is of course the initiation of war itself. Once the evil of war has been precipitated, nothing remains but the fragile effort, embodied for the most part in the conventions, to limit the cruelty by which it is conducted."

Professor Wechsler states the same principle differently as follows:

"The assumption of domestic society that punishment is a preventive weapon is not as irrelevant to international behavior as some persons seem disposed to affirm. Insofar as the penalty eliminates a danger presented by the particular individual hardly an objective of indifference to a military occupation — the function is no less plain in this situation than it is in municipal affairs. But the dominant justification of punishment, especially of the punishment of death, is usually felt to be the deterrence of others; and here it has been asserted that the justification must fail because victory carries immunity whether or not the victor was the aggressor and whatever the measures by which victory was attained.

The argument has a degree of validity but it does not prove enough to prevail. Treason, too, is punishable only when it is abortive; when 'it prospers' as the old verse goes, 'none dare call it treason'; it is the traitors who call the turn. With respect to war and the manner in which it is conducted, as with respect to treason, there are men who, valuing personal survival, will take account of the contingency of failure. It is to them that the threats are addressed." (62 Political Science Quarterly 11, 16, "The Issues of the Nuremberg Trials").

In the light of the history and purpose of Control Council Law #10, we suggest that the Tribunal approach the matter bearing in mind the principles which the late Chief Justice Stone has suggested as being proper approach to matters of this sort. In an address delivered in 1936, on "The Common Law in the United States", the late Chief Justice in speaking of the Judiciary stated: (50 Harvard Law Review 4, 12 (1936).

"There has been little disposition to look at our own shortcomings in failing through adaption of old skills and the development of new ones, to realize more nearly than we have the ideal of a unified system of judge made and statute law woven into a seamless whole by the process of adjudication.

The reception which the courts have accorded to statutes presents a curiously illogical chapter in the history of the common law. Notwithstanding their genius for the generation of new law from that already established, the common law courts have given little recognition to statutes as starting points for judicial lawmaking comparable to judicial decisions. They have long recognized the supremacy of statutes over judge-made law, but it has been the supremacy of a command to be obeyed according to its letter, to be treated as otherwise of little consequence. The fact that the command involves recognition of a policy by the supreme lawmaking body has seldom been regarded by courts as significant, either as a social datum or as a point of departure for the process of judicial reasoning by which the common law has expanded.

"* * * I can find in the history and principles of the common law no adequate reason for our failure to treat a statute much more as we treat a judicial precedent, as both a declaration and a source of law, and as a premise for legal reasoning. * * * Apart from its command, the social policy and judgment, expressed in legislation by the law making agency which is supreme would seem to merit that judicial recognition which is freely accorded to the like expression in judicial precedent."

CRIMINAL RESPONSIBILITY OF SO-CALLED "PRIVATE PERSONS"

It is quite clear that Control Council Law No. 10 recognizes no distinction between "private persons" and "government officials". Paragraph 2 of Article II of Law No. 10, in clause (f), after making reference to persons who hold "high political, civil or military" positions in Germany, continues by making reference to persons who hold high positions "in the financial, industrial or economic life" of Germany. Persons so described unquestionably include individuals such as these defendants.

The world has experienced and understood the meaning of "total war". It is plain that in the light of such experience the International community intends to get to the basic problem and to reach through the legal process, all persons who in a substantial way contributed to planning and preparation for the waging of aggressive war and invasions of other countries. Any construction which would confine or limit the persons subject to Crimes against Peace, to those who only hold high political or military position, would make meaningless the objective of seeking to prevent war by the application of legal sanctions to individual persons.*

It is a matter of common knowledge that total war requires a tremendous preparation which could not be done by political or military officials alone. The International Military Tribunal so indicated in its opinion, stating: (Vol. 1, Page 226)

"Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and businessmen. When they, with knowledge of his aims, gave him their cooperation they made themselves parties to the plans he has initiated. They are not to be deemed innocent because Hitler made use

NOTE: * The General Assembly of the United Nations adopted a resolution reading in part as follows:

"Affirms the principles of international law recognized by the Charter of the Nurnberg Tribunal and the judgment of the Tribunal;

Direct the Committee on the Codification of International Law to treat as a matter of primary importance plans for the formulation, in the text of a general codification of offenses against the peace and security of mankind, or of an International Criminal Code, of the principles recognized in the Charter of the Nurnberg Tribunal and in the judgment of the Tribunal". (Journal of the United Nations, No. 58, Supp. A - A/P, V/55, P. 485, cited in 62 Political Science Quarterly 2 (1947).

of them if they knew what they were doing. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relation of leader and follower does not preclude responsibility here any more than it does in the comparable tyranny of organized domestic crime."

ESSENTIAL ELEMENTS OF CRIMES AGAINST PEACE

It is the position of the prosecution that, as in the case of most crimes, the Crime against Peace requires both an act and a state of mind. In our analysis of the evidence relating to Count I, we will discuss three basic questions:

- (1) The extent of participation of the defendants in the planning, preparation, initiation and waging of wars of aggression and invasions of other countries--the act in the Crime against Peace.
- (2) The extent of knowledge on the part of the defendants as to what they were doing--the state of mind in the Crime against Peace.
- (3) The alleged "defense" of superior orders and coercion.

A. Scope of Crimes against Peace

Without attempting an all-inclusive "definition" of what is covered under Crimes against Peace in Control Council Law #10, it is submitted that under the principles of international law and the provisions of Control Council Law #10, Crimes against Peace comprehend at least the following:

Any person without regard to nationality or the capacity in which he acted commits a crime against peace if he participates in furthering the military power of a country, knowing that such military power will be used, or is being used, for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property, or their personal freedoms.

B. Participation by the defendants in Crimes against Peace:

It is not necessary to define precisely what constitutes and what does not constitute participation in furthering a country's military power for the purposes indicated. It is sufficient here to state that anyone who bears a substantial responsibility for conducting activities which are vital to furthering the military power of a country "participates" within the meaning of this definition.

In the words of Mr. Justice Jackson in his opening address before the IMT:

"This war did not just happen. It was planned and prepared for a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of energies of any people as that which enabled Germany twenty years after it was defeated,

disarmed and dismembered, to come so near to carrying out its plan to dominate Europe! Whatever else may be said of those who were the authors of this war, they did achieve a stupendous work in organization... Financiers, economists, industrialists, joined in the plan, and promoted elaborate alterations in industry and finance to support the unprecedented concentration of resources and energies upon preparations for war... Those preparations were of a magnitude which surpassed all need for defense, and every defendant, and every intelligent German, well understood them to be for aggressive purposes."

The individuals who have been charged in this case with participating in Crimes against Peace are those who were responsible for the activities of an organization which has been described by the Four Major Powers as follows (Control Council Law # 9):

"In order to insure that Germany will never again threaten her neighbors or the peace of the world, and taking into consideration that I.G. Farbenindustrie knowingly and prominently engaged in building up and maintaining the German war potential."

and by the determination of the U.S. Military Governor for Germany. (General Order #2):

"WHEREAS, I.G. FARBEINDUSTRIE A.G. played a prominent part in building up and maintaining the German war machine;

"WHEREAS, the war-making power represented by the industries owned and controlled by I.G. FARBEINDUSTRIE A.G. constitutes a major threat to the peace and security of the post-war world

C. State of Mind

This is the knowledge that such military power will be used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property, or their personal freedoms. It is sufficient if there exists the belief that although actual force will be resorted to if necessary, such purpose will be accomplished by using the military power merely as a threat.*

And it is not essential that the defendants know precisely which country will be the first victim or the exact time that the property rights and personal freedoms of the peoples of any particular country will be

* See Vol. I, Trial of the Major War Criminals. Under the heading "The Planning of Aggression" the Tribunal stated, at page 191, --

"The defendant Raeder testified that neither he, nor von Fritsch, nor von Blomberg, believed that Hitler actually meant war, a conviction which the defendant Raeder claims that he held up to 22 August 1939. The basis of this conviction was his hope that Hitler would obtain a 'political solution' of Germany's problems. But all that this means, when examined, is the belief that Germany's position would be so good, and Germany's armed might so overwhelming that the territory desired could be obtained without fighting for it."

under attack. It is sufficient that the defendants know that the military power will be used under the circumstances indicated for the purpose of taking away from peoples of other countries that which belongs to them.

D. Superior Orders and Coercion

Insofar as the so-called doctrine of "superior orders" may be involved in this case, it is governed by Paragraph 4(b) of Article II of Control Council Law # 10, which is substantially identical with Article 8 of the London Charter, and provides:

"The fact that any person acted pursuant to the order of his government or of a superior does not free himself from responsibility for a crime, but may be considered in mitigation."

The principle of "superior orders" has been most frequently applied and interpreted in military cases. The IMT considered those matters in the cases of Keitel and Jodl, and it was held that the fact that they were acting under orders could not under the circumstances even be considered by way of mitigation, because of the far-reaching and obviously criminal character of their acts. (Vol. I, Trial of the Major War Criminals, pps. 291 and 325).

If such military officers were in no position to claim the benefits of "superior orders" even by way of mitigation, it is obvious the defendants in this case could make no such claim.

Any suggestion that the actions of these defendants were under "coercion" or "duress" has been well answered from a legal standpoint by the International Military Tribunal. The argument that persons living under a dictatorship are not responsible for participating in the crimes of that dictatorship was disposed of by the IMT in the following language (page 226 of the opinion):

"The argument that such common planning cannot exist where there is complete dictatorship is unsound. A plan in the execution of which a number of persons participate is still a plan, even though conceived by only one of them; and those who execute the plan do not avoid responsibility by showing that they acted under the direction of the man who conceived it. Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they know what they were doing. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relation of leader and follower does not preclude responsibility here any more than it does in the comparable tyranny of organized domestic crime."

What the International Military Tribunal stated with respect to the London Charter, is equally applicable under Law No. 10 (at p. 223):

"....the very essence of the Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorizing action moves outside its competence under international law."

PARTICIPATION

The evidence which has been presented by the prosecution establishes that the defendants participated in Crime against Peace in a number of significant ways. It is not necessary to decide whether or not each and every one of these activities constitutes in itself participation in crimes against peace. Some of them, we believe, constitute such participation without considering the others, but certainly all of them together constitute participation under any conceivable sense of the word.

Although for purposes of convenience in presenting the subject matter, we have sub-divided the activities of these defendants in particular categories such as their help in bringing Hitler to power; their cooperation with the Wehrmacht; their participation in the economic mobilization of Germany for war including the Four Year Plan; their activities in creating and equipping the Nazi war machine; their stockpiling of strategic war materials; their activities in weakening other countries; their propaganda, intelligence and espionage activities; their financing of the Nazi party and its organizations; the cloaking of their assets abroad for war purposes; their activities in plundering all of Europe; and their activities in connection with the slave labor program of the Nazi government — all of these facts, although presented separately, are not to be considered separately.

What we have in mind is perhaps better stated by the United States Supreme Court in a case involving an indictment for conspiracy to violate the monopoly laws of the United States. Although the opinion dealt with the subject matter of conspiracy, the language cited expresses our thought. Thus, in American Tobacco Company vs. United States, 328 U.S. 781 (1946), the Court at Page 809 states:

"It is not the form of the combination or the particular means used but the result to be achieved that the statute condemns. It is not of importance whether the means used to accomplish the unlawful objective are in themselves lawful or unlawful. Acts done to give effect to the conspiracy may be in themselves wholly innocent acts. Yet, if they are part of the sum of the acts which are relied upon to effectuate the conspiracy which the statute forbids, they come within its prohibition. No formal agreement is necessary to constitute an unlawful conspiracy. Often crimes are a matter of inference deduced from the acts of the person accused

and, done in pursuance of a criminal purpose. . . . Where the circumstances are such as to warrant a jury in finding that the conspirators had a unity of purpose or a common design and understanding, or a meeting of minds in an unlawful arrangement, the conclusion that a conspiracy is established is justified."

(c) Financial Support of Hitler and Nazi Party.

At a time when the Nazi Party was in a critical state (See judgment of International Military Tribunal, Page 177, Tr. Pages 283-284; Exh. 33, NI-6522, Book 3, page 52, Tr. Pages 286, 287) and notwithstanding the direct knowledge which the defendants had of the Hitler program, they nevertheless gave their support by contributing 400,000 Reichsmarks to enable Hitler to acquire power at the coming election in March, 1933 (Exh. 36, NI-439, Book 3, p. 62; Exh. 37, D-203, Book 3, p. 64; Exh. 38, D-204, Book 3, p. 74; Exh. 53, NI-406, Book 3, Page 75, Tr. Pages 345, 346; Exh. 55, NI-9550, Book 3, Pages 111, Tr. Pages 347, 348; Exh. 56, NI-391, Book 3, Page 112, Tr. Pages 348, 349). The financial support thus given by Harben along with other industrialists contributed to Hitler's seizure and consolidation of power.

Following the accession of power, (referred to in the IMT judgment, as the period of "Seizure of Power" at Pages 176-178 and the public events during 1933 and 1934 (recited in the IMT judgment under "Consolidation of Power", Pages 178-182), it became apparent that the internal policy of the new German government was based on the use of force as an instrument of a policy of national aggrandizement. Notwithstanding the foregoing, Harben made substantial financial contributions to the Nazi Party over a period of years. To the Adolph Hitler Fund it contributed from 1933 through 1944 13,000,000 Reichsmarks (Exh. 77, NI-4056, Book 4, Page 11, Tr. Page 363). Total contributions of over 40,000,000 Reichsmarks were made to the Nazi Party and the various party organizations over the same period of time. (Exh. 80, NI-9200, Book 4, Page 26, Tr. Page 364, 365).

Only the contributions to the winter aid scheme (Winterhilfswerk) and the contribution to the Adolph Hitler Fund of German economy were based on certain rates fixed by the organizations of German economy (Exh. 80, supra).

All important contributions to the party and other political

gifts had to be ratified by the Central Committee of the Vorstand which reported to the Working Committee of the Vorstand before 1938 and after 1938 to the Vorstand (Exh. 78, NI-4863, Book 4, p. 20; Exh. 79, NI-4865, Book 4, p. 22).

(b) Cooperation with the Wehrmacht

From 1933 to 1939 Farben worked closely with the Wehrmacht building up Germany's military might. The evidence under this subdivision shows the creation of a military liaison office in Farben to expedite dealings with the Wehrmacht, the preparation of mobilization plans, and other related activities.

This office played an important role in all of Farben's preparations for mobilization, such as air raid precautions, mob plans for production, war delivery contracts, military map exercises (war games), secret military patents, stock piling, etc.

The cooperation between Farben and the Wehrmacht became so close in the latter part of 1935 that Farben found it necessary to establish in Berlin a military liaison agency. On 5 September 1935 the defendant Krauch informed all Works Combinations and other important Farben agencies that the Central Committee had decided to create a "War Economy Central Office of the I.G. for all matters of military economy and questions of military policy," the Vermittlungstelle W in Berlin. (Exh. 101, NI-4702, Ek 5, p. 80; Exh. 99, NI-2747, Ek 5, p. 77).

The purpose of the Vermittlungstelle W was described in its first work report of 31 December 1935, as follows: (Exh. 140, NI-2638, Ek 6, p. 25):

"The aim of this work is the building up of a tight organization for the armament in the I.G. which could be inserted without difficulty in the existing organization of the I.G. and the individual plants.

"In case of war, I.G. will be treated by the authorities concerned with armament questions as one big plant which in its task for the armament, as far as it is possible to do so from the technical point of view, will regulate itself without any organizational influence from outside. (The work in this direction was in principle agreed upon with the Ministry of War (Reichskriegsministerium Wehrwirtschaftsamt) and from this office with the Ministry of Economy).

"In close collaboration with the Minister of War, it was provided that the work of the I.G. should conform with the general development and in accordance with the rules

given by the authorities with respect to its requirements."

Within the Vermittlungsstelle W three different independent offices operated, namely one for each of the three "Sparten" (Main Departments). Each of these three offices was responsible to the respective Sparte Head, that is for Sparte I the defendant Krauch, and after 1938 the defendant Schneider, for Sparte II the defendant Tor Moor, and for Sparte III the defendant Gajowski. (Exh. 142, NI-8923, Ek. 6, p.33).

The defense seek to minimize the importance of the Vermittlungsstelle W. The statement of the defendant von Schnitzler is a sufficient answer. He stressed that the fact "that one of I.G.'s first technical men, Professor Dr. Carl Krauch, was made head of this section" could not be explained if this section "were so unimportant as my technical colleagues say." He went on:

"In my own field or domain I would never have put one of my first men on an unimportant job. Not only was Krauch placed to head Vermittlungsstelle W when it was created, but when Krauch was transferred to other jobs he was succeeded as head of Vermittlungsstelle W by Gustav von Bironning, who was considered a first-rate technician and one of I.G. Farben's future factory leaders." (Exh. 18, NI-5197, Ek. 2, p.67)

In 1936 the defendant Krauch established a special Security Section within the Vermittlungsstelle W and issued detailed directives for counter-intelligence. (Exh. 145, NI-4979, Ek. 6, P. 51a). All important I.G. Farben officials signed declarations to the Vermittlungsstelle W to the effect that they were acquainted with the details of military economic organizations and that they would keep secrecy. (Exh. 146, NI-4678, Ek. 6, P. 52; Exh. 149, NI-703, Ek. 6, P. 62, Pledge of Secrecy of Schmitz; Exh. 153, NI-6192, Ek. 6, P. 77, Pledge of Secrecy of Krauch). As early as February 1936, I.G. Farben provided for special screening of foreign workers, special security measures to be taken for visits of foreigners and increased secrecy for economic questionnaires and statistical publications. (Exh. 150, NI-1164, Ek. 6, P. 64). These security measures were increased and intensified during the years 1937, 1938 and 1939 and had reached such an extent before the war had broken out that the actual outbreak of the war did not necessitate any new measures in the field of security. (Exh. 151, NI-4985, Ek. 6, P. 66; Exh. 156, NI-1137, Ek. 6, P. 90; see Exhibits 156 through

163 in Book 6).

There was intensive cooperation between Farben and the Wehrmacht in the field of inventions and research. The defendants von Knieriem, Krauch, Ter Meer and Gajowski along with others were sent secret reports on these matters, which included a discussion of Farben's cooperation in state-owned shadow factories. (Exh. 165, NI-5694, Bk. 6, P. 125). Starting in April 1933, I. G. Farben organized air raid protection of all its plants and the defendant Jaehne took a leading part in these preparations. (See Exhibits 170 through 181 in Book 7).

In March 1936, the defendants started to conduct "map exercises" or "war games" at the most important Farben plants in order to test how these plants could be protected against bombing in case of war and these map exercises were held in the presence of the then Colonel Thomas, Chief of the Military Economic Staff, and other high officers. (Exh. 102, NI-6321, Book 5, p. 82; Exh. 29, NI-8637, Book 3, p. 18; Exh. 103, NI-4619, Book 5, p. 86; see Exhibits 183 through 190 in Book 7).

Starting in February 1936, the question of mobilization for war and the production in case of war was discussed continuously within the organization of Farben by the defendants and other Farben officials. (Exh. 191, NI-5860, Book 8, p. 10; Exh. 192, NI-7475, Book 8, p. 11). In March 1937, a conference was held by Farben specialists for mobilization questions in which it was stated that mobilization plans for Farben had to be completed by 1 July 1937 (Exh. 193, NI-8609, Book 8, p. 12; Exh. 195, NI-8608, Book 8, p. 17; Exh. 196, NI-8607, Book 8, p. 19). The basic preparation for the mobilization plans in July 1937, was developed and completed in September 1937 (Exh. 197, NI-4632, Book 8, p. 21). Not only the "technical" members of the Vorstand such as Ter Meer, Jaehne, Jaehne, Herlein, and others participated actively in these mobilization plans, but also the "commercial" members of the Vorstand, such as von Schnitzler, Ilgner, and Gattinneau, took an active role (Exh. 198 through 200, Book 8). In 1937 and 1938 all of I. G. Farben's plants were given their production tasks after thorough discussion of the possibilities of production in case of war with representatives of the Reich War Ministry, Reich Ministry of

Economics and Reichsstelle Chemistry (Exh. 201 through 208 in Book 8). In 1938 the first war delivery contracts were concluded between the various Farben factories and the local military economy offices (See Exh. 210 through 212 in Book 8). The preparations for the mobilization were continued in an ever increasing degree during the year 1938, during which time all of Farben's plants were prepared thoroughly for the production in case of war. (See Exhs. 213 thru 229 in Bk. 8; Exhs. 237 thru 244 in Bks. 8 and 9).

The last few days before the outbreak of the war show that Farben was thoroughly prepared for the case of war and that the invasion of Poland did not come to the defendants as a surprise. On 26 August 1939, Farben's Leverkusen plant received a secret letter from the Military Economics Department Dusseldorf that all personnel in military important plants had to remain on the job and detailed instructions were given for the measures to be taken "for the duration of military measures". (Exh. 260, MI-4635, Bk. 9, p. 101). On 28 August 1939 the Vermittlungestelle W sent out a teletype to the Farben plants informing them that the Vermittlungestelle W could be reached by telephone and teletype on a 24 hour basis and pointed out that teletype was to be used in preference to anything else "because of security and speed of transmissions of news." (Exh. 262, MI-8776, Bk. 9, p. 105). On 30 August 1939 the Military Economics Department Kassel issued to Farben Hoechst plant the necessary shipment papers for the first 14 days of the mobilization. (Exh. 263, MI-7382, Bk. 9, p. 106).

When the war with Great Britain and France broke out on 3 September 1939, I. G. Farben needed only a simple telegram from Vermittlungestelle W to the TNA Auro stating that Vermittlungestelle W had been instructed for "all I. G. plants to switch at once to the production outlined in the mobilization program", and on 6 September 1939, Vermittlungestelle W informed the Farben plants that the war delivery contracts became effective immediately. (Exh. 266, MI-8882, Bk. 9, p. 116).

C. Four Year Plan and Economic Mobilization of Germany for War.

The first measures taken by Goering in May 1936, after he had been appointed coordinator for raw materials and foreign exchange by Hitler, were clearly aimed to assure the raw material requirements of the Wehrmacht, and decisive for all discussions was the so-called Case A (A-Fall), that is the case of war. This is shown by the meeting of the Experts Committee on Raw Materials Questions on 26 May 1936 in which the defendant Schmitz participated together with the key men of German preparation for war, Goering, Keitel, Koerner, Keppler, etc. (Exh. 400, NI-5380, Bk. 19, p. 1). The defendant Krauch, who had already submitted to the Reich Air Ministry, which was headed by Goering, a four year plan as early as September 1933, was put at Goering's disposal by the then chairman of Farben's Vorstand, Dr. Bosch. (Exh. 402, NI-10386, Bk. 19, p. 73; Exh. 138, NI-4718, Bk. 6, p. 16; Exh. 437, NI-6768, Bk. 20, p. 63). The defendant Krauch was given the key position in Goering's new staff for raw materials and foreign exchange, the department Research and Development. (Exh. 426, NI-4703, Bk. 20, p. 30). Shortly after the defendant Krauch had assumed his functions in Goering's staff, he called for a report from Farben on its contracts with the Reich, including Farben's Louisa contract during World War I. (Exh. 679, NI-7833, Bk. 32, p. 1). The defendant Krauch took with him the two most important men of Farben's Vermittlungsstelle W, namely, Dr. Ritter and Dr. Eckell. (Exh. 407, NI-5911, Bk. 19, p. 87).

In July 1936, two months after Krauch had taken a key position in the government, Hitler in a memorandum to Goering outlined the basis of the Four Year Plan which was to prepare Germany for war. This memorandum stated in part (Exh. 411, NI-4955, Book 19, p. 93):

"It is not the aim of this memorandum to prophesy the moment at which the untenable situation in Europe will reach the stage of open war. The extent and the pace of the military exploitation of our strength cannot be too much or too rapid.

If we do not succeed in developing the German army within the shortest period to be the first army in the world with respect to training, setting up of units, equipment and above all also in its spiritual education, Germany will be lost.

The definitive solution (of Germany's economic situation) lies in an extension of our living space, i.e. an extension of the raw materials and food basis of our nation. It is the task of the political leadership to solve this question at some future time.

Much more important, however, is to prepare for the war during the peace.

It is not enough to establish from time to time the raw material or foreign currency balance, or to speak of a preparation for war economy during peace time, but it is necessary to provide all those needs for peace time food supply and above all for warfare.

The German motor fuel production must now be developed with the utmost speed and brought to the definitive completion within 18 months. This task must be handled and executed with the same determination as the waging of war.

Thermase production of synthetic rubber must be also organized and secured with the same rapidity. The affirmation that the procedure might not be quite determined and similar excuses must not be heard from now on. The question under discussion is not whether we will wait any longer otherwise the time will be lost and the hour of danger will take all of us unawares.

I herewith set the following task:

- 1) The German army must be ready for combat within four years.
- 2) The German economy must be mobilized for war within four years."

Four days before the formal announcement of the Four Year Plan by Hitler, Goering stated in the meeting of the Cabinet on 4 September 1936, with Blomberg, Koerner, Keypler and others present:

"If war should break out tomorrow we would be forced to take measures from which we might possibly shy away at the present moment. They are therefore to be taken. ****All measures have to be taken just as if we were actually in the stage of imminent danger of war." (Exh. 412, EC-416, Bk 19, p 114).

On 17 December 1936, Goering made a speech before the most important German industrialists at which the defendants Krauch and Schnitzler and the deceased Dr. Bosch were present. He outlined the purpose of the Four Year Plan (note the similarity to Hitler's memorandum), and stated:

"Our whole nation is at stake; we live in a time when the final battle is in sight; we already are on the threshold of mobilization and we are already at war. All that is lacking is actual shooting." (Exh. 421, NI-051, Bk 20, p 9).

Hitler also spoke. The defendant Schnitzler gave a "highly confidential report" to the enlarged Farben Committee on Goering's and Hitler's speech of 17 December 1936. (Exh. 422, NI-5955, Bk 20, p 14; Exh. 423, NI-4192, Bk 20, p 15).

Schacht, who had been very active in the early rearmament phase between 1933 and 1935, lost his influence in fighting actively against excessive armament policy which resulted from the Four Year Plan (Official text of the Trial of the Major War Criminals before the IMT Vol. I, pp. 307-308).

The attitude of Schacht, who was an ardent supporter of Hitler between 1933 and 1935, shows that men of financial and economic experience saw clearly the dangers involved in the Four Year Plan and the excessive "promised expansion of production facilities, particularly for synthetics". Another group of important early supporters of Hitler's regime, namely Thyssen and other steel industrialists, refused to cooperate in the expansion of production facilities for the Four Year Plan, on the basis that it was uneconomical. (Exh. 582, NI-9656, Bk 32, p 45).

Early in June 1938, Krauch went to Koerner and Goering and pointed out that the planning of his superior, Colonel Loeb, was based on wrong figures and that it was dangerous to plan for a war on the basis of such figures. (Exh. 437, NI-6768, Bk 20, p 63; Exh. 403, NI-10386, Bk 19, p 73)* Goering then asked Krauch to suggest what powers would be necessary for him in order to take over the chemical sector as Plenipotentiary General (Exh. 301, supra).

Thereupon Krauch requested the defendant Ambros for his recommendations for the execution of a new program for the production of chemical warfare agents and explosives in Germany. The defendant Ambros recommended that "one fully responsible competent office for matters related to the new projects of the army" should be created; and suggested special powers

* In one of his pre-trial interrogations, (Exh. 437, supra), Krauch said that he told Koerner among other things the following:

"I know that these figures are wrong. I was talking a week before with Major Loeb about these figures and I told that there is great danger in giving at this time wrong figures to the Government. It may be possible if one deciding man knows about these wrong figures and he is thinking about war, he would decide against it. If he knows we are not independent in the war he would decide against war. There is a great danger in the wrong figures question. Then Koerner told this to Goering."

for this new agency. Ambros stressed that the "rearmament in the field of chemical warfare agents is inadequate and has to all intents and purposes remained on the 1918 level. Only during the last few months have attempts been made to apply technical devices to the old chemical warfare agents and under the driving force of industry, especially of I.G., to develop new types." (Exh. 438, NI-5687, Bk 20, p 82).

On 30 June 1938, the defendant Krauch submitted to Goering a "new accelerated plan for explosives, gun powder, intermediates and chemical warfare agents," incorporating substantially the recommendations of Ambros. (Exh. 439, NI-8839, Bk 20, p 86).

On 12 July 1938, the defendant Krauch drew up the "military economic new production plan", also called the Karinhall or Krauch Plan, which in addition to gunpowder, explosives, chemical warfare agents and intermediates, included mineral oil, rubber (Buna) and light metals. The amounts to be produced even for mineral oil, rubber and light metals were determined by the "mobilization target". With regard to oil it was stated: "The products produced.....beyond the normal requirements are to be stored for the mobilization requirements." With regard to gunpowder, explosives and chemical warfare agents: "The new plan of 30 June 1938 provides the utmost acceleration of all building projects of these sectors." (Exh. 442, NI-8900, Bk 20, p 113.)*

Krauch's Karinhall Plan persuaded Goering of the necessity for the appointment of a Plenipotentiary General for mineral oils, gunpowder and explosives. (Exh. 445, PS-4436, Bk 21, p 3). The military considered this field of activity so important that Field Marshal Keitel, Chief of the OKW, suggested that General Becker, the Chief of Army Ordnance, be appointed to this position (Exh. 447, EO-279, Bk 21, p 10). After a series of conferences between Goering's office and the military, a new so-called "Rush Plan" for the production of gunpowder, explosives and chemical warfare agents including intermediates was drawn up by Krauch on August 13, 1938. This plan was agreed upon by the High Command of Army Ordnance

* For comment by the military the Karinhall Plan, see Exh. 443, PS-2353, Bk 20, p 117.

(General Becker) and the Office of Military Economy (General Thomas) as a result of which the military agreed to the appointment of Krauch as Plenipotentiary General. (Exh. 452, NI-8791, Bk 21, p 34; Exh. 449, NI-8797, Bk 21, p 19)

On 22 August 1938 Krauch was appointed Plenipotentiary General of the Four Year Plan for special tasks of chemical production, and the "Rush Plan" was "entirely entrusted to Dr. Krauch" (Exh. 453, NI-8917, Bk 21, p 41; Exh. 463, NI-820, Bk 21, p 172).

From the time that Krauch took a key position in the government in June, 1936, Farben played a leading role in all of the activities with which Krauch was concerned. Ambros, Buerger, Gaweski, Schneider, Wurster, Buetefisch, and other Vorstand members were his official advisors. (See Exh. 512, NI-6713, Bk 25, p. 7; see also Exhibits in Book 11). Farben and its subsidiaries gave their full support to the Four Year Plan Projects. (Exh. 682, NI-9656, Bk 32, p 45; Exh. 700, NI-9945, Bk 37, p1). Farben became the mainstay of the industrial program for the Four Year Plan. During the time from October 1936 to May 1937, 65.5% of all amounts to be spent under the Four Year Plan for the entire German industry were to be used on Farben projects and in the overall planning of the Four Year Plan in the chemical field (exclusive of mineral oil) 85.7% were to be invested in Farben projects. (Exh. 429, NI-10036, Bk 20, p 21; Exh. 428, NI-10035, Bk 20, p 25). Farben's investments show considerable increase after the announcement of the Four Year Plan. They rose from 42.7 million RM to 96.3 million RM between 1936 and 1937 for Farben and its 100% subsidiaries and from 10.8 to 35.7 million RM for its other most important subsidiaries. (Exh. 684, NI-10001, Bk 32, p 47; Exh. 685, NI-10013, Bk 32, p 48). Immediately after the defendant Krauch was given his new responsibility over the "new military economic production plan", Farben was told to take immediate measures to step up production of chemical warfare agents and diglycol. (Exh. 444, NI-7424, Bk 21, p 1). All of the measures taken by Krauch in connection with the Rush Plan were completed by Farben and its subsidiaries, the DAG, Wascag, and Deutsche Sprengchemie. (Exh. 452, NI-8791, Bk 21, p. 34).

On 14 October 1938, after the consummation of the first aggression against Czechoslovakia, Goering addressed his collaborators in a meeting in the Reich Air Ministry at which Krauch was present, on the future aims of the Third Reich. General Thomas' report on this conference states:

(Exh. 481, PS-1361, Hk. 18, p. 30)

"General Field Marshal Goering opened the session by declaring that he intended to give directives about the work for the next months. Everybody knows from the press what the world situation looks like and therefore the Fuehrer has issued an order to him to carry out a gigantic program compared to which previous achievements are insignificant. There are difficulties in the way which he will overcome with utmost energy and ruthlessness.

"He received the order from the Fuehrer to increase the armament to an abnormal extent, the air force having first priority. Within the shortest time the air force is to be increased five fold, also the navy should get armed more rapidly and the army should procure large amounts of offensive weapons at a faster rate, particularly heavy artillery pieces and heavy tanks. Along with this manufactured armaments must go: especially fuel, rubber, powder and explosives are moved into the foreground. It should be coupled with the accelerated construction of highways, canals, and particularly of the railroads.

"The Sudetanland has to be exploited with all the means. General Field Marshal Goering counts upon willing collaboration by the Slovaks. Czechs and Slovaks would form German dominions. They have to be exploited to the utmost. The Oder Danube Canal has to be speeded up. Searches for oil and ore have to be conducted in Slovakia, notably by State Secretary Keppler."

The defendant Krauch who had been informed by Goering on the basic policy of the Third Reich, recognized the true manner of Hitler's second aggression against Czechoslovakia, the occupation of Prague on 15 March 1939. In his work report to the General Council of the Four Year Plan of 28 April 1939, the defendant Krauch shows in his conclusion that he had grasped the real significance of Hitler's and Goering's foreign policy. He stated in this report:

"Then on 30 June 1939 the objectives of the increased production in the spheres of work discussed here were given by the Field Marshal, it seemed as if the political leadership could determine independently the timing and extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year there is no longer any doubt that this hypothesis does not exist anymore. It is essential for Germany to strengthen its own war potential as well as that of its allies to such an extent that the coalition is equal to the efforts of practically the rest of the world. This can be achieved only by new, strong and combined efforts by all of the allies, and by expanding and improving the greater economic domain corresponding to the improved raw material basis of the coalition, peacefully at first, to the Balkans and Spain.

If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes." (Exh. 455, EC-282, Bk. 21, p. 56). (Underscoring in original)

Shortly before the outbreak of the war at the end of August 1939, the defendant Krauch submitted an implementation survey for the case of war in the fields of mineral oil, bauxite, chemistry, light metals and also of the Rush Plan (powder, explosives and chemical warfare agents). (Exh. 459, NI-8796, Bk. 21, p. 132).

With the start of the war the defendant Krauch together with General Thomas, the Head of the VI Ru Amt, and General Pecker, the Head of the Army Ordnance Office, proposed a plan for the increase of production for the "Krauch Plan", a draft of which was sent to Hitler (Exh. 460, PS-1457, Bk. 21, p. 138; Exh. 461, NI-7570, Bk. 21, p. 158). Krauch participated in practically all of the meetings of the General Council of the Four Year Plan which board took over the Supreme Command in question of military economy when the Office of the GEF (Plenipotentiary General for Economy) was dissolved in December 1939. (Exh. 466, NI-7474, Bk. 21, p. 182; Exh. 463, NI-9767, Bk. 19, p. 76). When Goering no longer exercised his function as Head of the Four Year Plan and when the Central Planning Board became the supreme authority of the German war effort, Krauch also participated in the meetings of the Central Planning Board (Exh. 481, NI-2972, Bk. 22, p. 47). Krauch, maintained his position as a key figure during the war. (Exh. 482, NI-5821, Bk. 22, p. 50)

D. Creating and Equipping the Nazi Military Machine.

It takes a tremendous amount of people and organization to equip a war machine to carry on modern total war. Based on our experiences we know what the term "battle of production" and "arsenal of democracy" connotes in terms of preparation for modern warfare.

Farben's production program during the period involved can only be compared, in the words of the witness Elias, with the activity during the "period in the U.S. directly after Pearl Harbor". (Transcript, p. 1395). It will be seen that by virtue of the nature of the products manufactured and the fact that the contracts and negotiations were mainly with the military the defendants knew their production was to build up the Nazi war machine. In addition, the quantities of production and the circumstances surrounding such production, especially the timing of the consecutive accelerations in production planning and the fact that the military might Germany was building up far exceeded that of her neighbors, were such that the defendants must also have known that the war machine was intended to carry out the notorious national policy of aggrandizement.

GENERAL IMPORTANCE OF FARBEN'S PRODUCTION

The significance to Germany of the basic chemical processes developed by Farben in the manufacture of synthetic products from coal, water and air, was described by the witness Elias in the following terms: (Transcript pp. 1347-1348)

"German chemical industry was one built on coal, air and water. Supplies of petroleum in Germany are very meager. The maximum production of petroleum in all of Germany from its own oil wells has always represented only a small fraction of its total requirements. Coal, however, is plentifully available and brown coal, which is a sort of lignite, is available in huge quantities and easily accessible to large scale mining. With coal as a basic material and with the aid of air and water, indefinite numbers of organic compounds composed of carbon, nitrogen, hydrogen and oxygen can be made. 84% of Germany's aviation fuel, 85% of her motor gasoline, all but a fraction of 1% of her rubber, 100% of the concentrated nitric acid, basic component of all explosives, and 99% of her equally important methanol were synthesized from these three fundamental raw materials -- coal, air, and water."

The importance of Farben as the backbone of Germany's industry and the dependence of practically all other industries on Farben's production is fully established by the evidence. (Exh. 701, NI-9944, Bk 37, p. 3; Exh. 705, NI-9476, Bk 37, p. 17; Exh. 707, NI-7236, Bk. 37, p. 26).

The Military importance of Farben's synthetic products to the German war machine was described by the expert witness Elias as follows: (Transcript

"The military significance of oil is best explained by the fact that in the closing months of the war, after the British and American Air Forces had concentrated on German synthetic oil targets, Germany's large reserve in military aircraft stayed on the ground with empty tanks; armored vehicles were moved to the front by oxen and every motor trip exceeding 50 miles had to be approved by the commanding general. Without nitrogen, not a single ton of military explosives or propellant powder could have been made. Certain military explosives were entirely dependent on synthetic methanol as well as ammonia. Without rubber, of course, the war machine could not have rolled."

Germany could not have waged war without Farben's help. The defendant

Bustefisch, summed up the matter as follows:

"In 1935 or 1936, it was obvious that the aim of the National Socialist economic and military policy was to establish as complete as possible a state of self-sufficiency in Germany. Since the German march into Czechoslovakia, that is since March 1939, it was clear to me that the military economy could be aiming at development into an aggressive war. Without I.G. Farben, especially without the I.G. production in the fields of synthetic rubber, gasoline and magnesium, it would have been out of the question for Germany to carry on the war." (Exh. 261, NI-6235, Bk. 9, p. 104)*

Official reports of the Reich Office for Economic Development and Military Agencies prepared during the war show that the destruction of Farben plants would have paralyzed the German war effort:

"The breakdown of Buna at Huels and Schkopau means practically the end of motorization of the Wehrmacht and economy." (Exh. 131, NI-8594, Bk. 5, p. 178; Exh. 708, NI-8595, Bk. 37, P. 104; Exh. 709, NI-8831, Bk. 37, p. 113).

(1) Explosives

During World War I, the predecessor firms of I.G. Farben who were tied together in this "Community of Interests", produced 73% of all the high explosives used by Germany during the four years of the First World War. (Testimony of General Morgan, Transcript pages 730-751). This was due in large measure to the fact that Farben's predecessor (Badische) had in 1913

* See also speech by the defendant von Schnitzler in February 1943, where he stated:

"It is no exaggeration to say that without the accomplishment effected by German chemistry under the Four Year Plan modern warfare could not at all be possible." (Exh. 12, NI-6763, Bk. 1, p. 85); See also Testimony of von Hanneken "without Farben practically the waging of a war would not have been possible." (Transcript p. 1020).

Even the commercial part of the Farben organization was considered by Farben "vital for the out-come of the war". (Exh. 572, NI-6123, Bk. 29, p. 74).

developed the Haber-Bosch process for the production of synthetic ammonia from which nitrates, the indispensable ingredient in the manufacture of explosives, was produced. This process developed by I.G. Farben at the time of the First World War, enabled Germany to produce explosives free from the dependence of imports of Chilean nitrates. (Exh. 592, NI-7743, Bk 33, p. 3, Tr. p. 1065; Exh. 335, NI-8313, Bk 12, P. 10, Tr. p. 651; Exh. 1051, NI-11252, Bk 51, P. 176, Tr. p. 2472).

In 1915 the supply of nitrates was so low in Germany that if Farben had not come forward with the heavy production of nitrates, the war would have been over in 1915. (Tr. p. 731, testimony of Gen. Morgan, and exhibits cited supra). In addition to the predominant position which I. G. Farben played in the production of high explosives the Allied Control Commission after the first World War also found, as General Morgan testified, that companies which were producing gunpowder (as distinguished from high explosives) were totally dependent upon I.G. Farben's nitrates for their manufacture (Tr. p. 733).

We have already indicated the indispensability of nitrates for the production of explosives and the fact that I.G. Farben's Haber-Bosch process enabled it to produce synthetic ammonia, from which nitrates were made. In the process of making explosives, the use of nitric acid is vital since the process of "nitration", that is treating various raw materials with nitric acid, will convert a peacetime commodity to an explosive. (Tr. p. 1370-1372). With the importance of nitric acid and sulphuric acid in the production of explosives. (Exh. 602, EC-144, Bk 34, Tr. p. 1117), we find in 1937 Farben undertaking the operation of a new sulphuric acid plant which was constructed solely for the purposes of the Wehrmacht to be used only for the case of war (Exh. 601, NI-4496, Bk 34, p. 15, Tr. p. 1118), and the production capacity for nitric acid was noted in the Farben files as of February 1939, to have increased ten times since 1933. (Exh. 602, EC-144, Bk 34, p. 20, Tr. p. 1118). Schacht tells of Farben's stockpiling of pyrites, the basic raw material for sulphuric acid (Exh. 716, EC-128, Bk 38, p. 103, Tr. p. 1296).

So substantial was I.G. Farben's production of nitrates via its synthetic ammonia process that it more than doubled the Chilean production in 1938 - 1939. (Exh. 592, NI-8049, Bk 33, p. 6, Tr. p. 1087). Farben and its subsidiaries manufactured 84% of Germany's high explosives and 70% of Germany's gunpowder from its nitrogen and intermediate products.

(Exh. 325, HL-8313, Book 33, Tr. p. 1087). The main producer in Germany of gunpowder and explosives was the Farben controlled Dynamit A.G.*

Diglycol. This was a new development of an intermediate product for making gunpowder. (Tr. p. 1372). It was developed as a substitute for nitro-glycerine and Farben manufactured all of the diglycol in Germany (Tr. pps. 1372, 1373). As early as August 1935, Farben discussed with officials

* The evidence discloses that Farben owned over 50% of the voting stock in Dynamit A.G. Dynamit A.G. had to apply to Farben for budget appropriations and an interlocking directorate existed whereby Farben Vorstand members sat on the Aufsichtsrat of DAG and Dynamit A.G.'s president sat on TEA and commercial committees of Farben. Thus Dr. Struss's affidavit states: (Exh. 325, HL-8313, Book 33, Tr. p. 1087-1088):

"It was Farben's unique position in the nitrate field which prompted the biggest German producer of gunpowder and ammunition, the Dynamit A.G., to come to a community of interests agreement with Farben in 1935. I.G. Farben soon succeeded in dominating the Dynamit A.G. In the first place, the Dynamit A.G. held over 50 per cent of the voting rights in DAG. Furthermore I.G. was represented in the Aufsichtsrat of DAG by Bosch, Duisberg, Gajewski, and Schmitz. Finally Director General Paul Mueller of DAG, was a member of the I.G. TEA. All credit applications of DAG were discussed in the I.G. TEA, which with this exception was entirely composed of I.G. Farben men."

See also: Exh. 17, HL-5827, Book 12, p. 55, Tr. p. 255; Exh. 326, HL-6977, Book 12, p. 80, Tr. p. 654; Exh. 15, HL-6234, Book 12, p. 53, Tr. p. 355; Exh. 327, HL-6345, Book 12, p. 86, Tr. p. 662.)

Some of the defendants seeking to disassociate Farben from DAG reluctantly admit there was "a gentlemen's agreement" between Schmitz and Bosch on behalf of I.G. Farben and Mueller of DAG, whereby the latter was to conduct affairs of DAG without interference. (ter Meer Affidavit, Exh. 334, HL-5187, Book 12, p. 138, Tr. p. 687; Von Knieriem Affidavit, Exh. 326, HL-6977, Book 12, p. 81, Tr. p. 659).

Other important explosive firms which were controlled by Farben were the Wasag and Wasag Chemie, where I.G. owned more than 50% of the stock. (Exh. 665, HL-9446, Book 31, p. 5, Tr. p. 1227). The Deutsche Sprengchemie A.G. whose activities beginning with 1937 were "limited exclusively to the purposes of the Reich War Ministry" (Exh. 600, HL-7772, Book 34, p. 15, Tr. p. 1116) was also in turn owned by Wasag and Wasag Chemie. (Exh. 666, HL-9446, supra). These two firms operated fourteen plants for the production of explosives (Exh. 48, HL-10030, Book 2, p. 5, Tr. p. 340). The Verwertchemie which operated thirty-two explosive plants, was a 100 percent subsidiary of Dynamit A.G. (Exh. 48, HL-10030, supra; Exh. 666, HL-9446). Farben (particularly Schmitz and Gajewski) received the audited reports relating to the activities of Dynamit A.G. and Verwertchemie (Exh. 1816, HL-12740, Tr. p. 4450).

See the minutes of conference of January 1939 between I.G. and DAG - indicating knowledge by I.G. (particularly ter Meer and Ambros), that not only DAG but its subsidiaries, Wasag, Verwertchemie and Deutsche Sprengchemie, were operating the explosives factories owned by Montan. (Exh. 363, HL-5685, Book 31, p. 40, Tr. p. 1241).

of Army Ordnance the construction of a diglycol plant at Wolfen (Exh. 108, NI-8762, Book 33, Tr. p. 1090). In September of 1936, production capacities of Ludwigshafen and Wolfen were discussed with Army Ordnance (Exh. 114, NI-4460, Tr. pps. 1093, 1094), and production was to start at Bitterfeld and the Wolfen plant on full-scale operation on March 1, 1937. (Exh. 115, NI-4488, Ek. 5, p. 127, Tr. p. 1094; Exh. 116, NI-4487, Ek. 5, p. 128, Tr. p. 1095). The diglycol plant at Wolfen was, as I. G. Farben stated, "originally planned merely as a stand-by plant in case of war." (Exh. 120, NI-4486, Ek. 5, p. 135, Tr. pps. 1097-1098). Farben was bound to strictest secrecy with respect to this plant. The entire production of diglycol from the Wolfen plant was to go to the explosives factories of Dynamit A.G. and Wessing (this is the middle of 1937). (Exh. 131, NI-8763, Ek. 5, p. 139, Tr. pps. 1098-1099).

In June 1938, the planning for chemical rearmament referred specifically to diglycol production of the I. G. Farben plants. (Exh. 438, NI-5687, Ek. 33, p. 75, Tr. p. 1103). Finally this preparation is shown as of May 1939, to have reached the stage whereby the production capacity for diglycol at the I. G. Farben plants in Ludwigshafen, Wolfen, Schkopau, Huls, and Trostberg,* was sufficient to produce 50,000 tons of gunpowder per month. (Testimony of Mr. Elias, Tr. p. 1374, Exh. 605, NI-8790, Ek. 34, pps. 44-46).

Diglycol, in addition to being an important raw material for explosives was also used in connection with the production of poison gas and the particular urgency for increased production of diglycol in 1938 is indicated by Exh. 217, NI-7428, Ek. 33, p. 84, Tr. p. 1109, 1110, where the defendant Kirsch, wrote on 26 August 1938 to I. G. Farben: "In accordance with the decision of Field Marshall Goering of 22 August 1938, I give you the additional information that the building projects for diglycol** expansion, ethylene plant Sodingen, D-L experiment (direct mustard gas) have been classified as pressing building projects."

*Trostberg was a standby plant and production of diglycol in 1937 was for the event of war. (Exh. 528, NI-7430, Ek. 33, p. 90, Tr. p. 1111).

** In the "New Order" which Farben prepared for the domination of Europe (Exh. 1051, NI-11252, Ek. 51, at p. 155, at p. 150, Tr. p. 2481), Farben's recommendation was "France should be limited to the production of diglycol. The construction and expansion of plants should be subject to license because the production is important for armaments."

Stabilizers

These products are used to stabilize gunpowder and to prevent premature explosion (Tr. p 1379). In August 1935, Farben discussed with Army Ordnance the production of stabilizers and planned the construction of stand-by plants to produce such stabilizers. (Exh. 108, NI-5762, Bk 34, p 28, Tr. p 1090, compare Tr. p 1379, Exh. 115, NI-4488, Bk 34, p 42, Tr. p 1095). In conference with Army Ordnance, preparation for stockpiling stabilizers was made. (Exh. 118, NI-4492, Bk 33, p 45, Tr. p 1096, compare Tr. p 1381). In 1935 there was planning for the production of 472 tons of stabilizers per month, enough to sustain a production of 11,875 tons of gunpowder per month--and this, at a time when the applicable treaties limited the production of all explosives to 2,000 tons per month. (Tr. p 1380, compare Exh. 108, NI-5762 supra). Farben produced all of the stabilizers* in Germany (Exh. 612, NI-10008, Bk 34, p 115, Tr. p 1136; Exh. 615, NI-10010, Bk 34, p 125, Tr. p 1138) and from 1932 to 1939, its production increased 2600% (Tr. p 1379).

Methanol

The U.S. Strategic Bombing Survey (Exh. 715, NI-3767, Bk 37, p 152, Tr. p 1291) lists in the order of wartime importance as the Germans considered them the ten most important chemicals, indicating that the most important one was nitrogen and the second was methanol.

The production of powder and explosives was dependant upon these chemicals. (Exh. 616, NI-10580, Bk 34, p 129, Tr. p 1375). Two of the most modern and effective explosives, hexogen and nitropenta, were made from methanol. (Exh. 616, supra, compare testimony of Mr. Elias, Tr. p 1375-1376; see also Chart of the German Office of Economic Planning, Exh. 591, NI-6239, Bk 35.)

Farben produced all of the methanol in Germany, (Exh. 615, supra) and from 1932 to 1939 the increase was 600% and by 1943 it was 2000% (Tr. p 1377). In February 1939, the Army Ordnance Office prepared a report on the

* In the "New Order" which Farben prepared for the domination of Europe (Exh. 105, NI-11252, Bk 51, p 187), Farben's recommendation as to stabilizers was that production of this product in France be stopped as it was "essential for the production of military requirements." (Tr. p 2481)

status of explosive plants in Germany and in that report the capacity and production schedule of Farben's Ludwigshafen plant and its subsidiary Wascag are set forth (Exh 609, NI-8790, Bk 34, p 39, Tr. p 1129) and the report further showed the planning of additional facilities for the production of hexogen on the basis of a systematic research by I.G. Farben. (Tr. p 1377).

As early as 1935, Farben "on its own initiative conducted experiments which led to the discovery of hexogen", then registered it as a secret patent, and constructed an experimental factory to gain manufacturing experience. (Exh. 110, NI-6144, Bk 33, p 34, Tr. p 1091, compare testimony of Mr. Elias, (Tr. p 1379). This was in close collaboration with Dynamit A. G. and Army Ordnance (Exh. 111, NI-6498, Bk 33, p 38, Tr. p 1093).

Toluol, (or toluene) the important substance for TNT, was in short supply and Farben produced methanol synthetically and from that produced synthetic toluol (Tr. p 1375). The production of synthetic toluol via methanol was an expensive process (Tr. p 1376) and the discovery of hexogen alleviated the shortage of toluol (Tr. p 1376, see also Exh. 616, NI-10580, Bk 34, p 130).—Hexogen has no substantial peacetime use (Tr. p 1379).

(2) Synthetic Gasoline

It was because of synthetic gasoline that Hitler and Farben first got together. This was in 1932 prior to Hitler's seizure of power. At that time the defendants Buetevisch and Gattineau went to see Hitler and received from him assurances that Farben's synthetic oil program (which Farben had been considering abandoning) would receive his support. (Exh. 28, NI-8788, Bk 3, p 9; Exh. 29, NI-8637, Bk 3, p 18; Exh 31, NI-6765, Bk 3, p 47). In the spring of 1933, after Hitler had seized power, he invited Carl Bosch, then Chairman of the Farben Vorstand, to meet with him and discuss the details of the program which Buetevisch and Gattineau had outlined. (Exh. 59, NI-6766, Bk 3, p 127). The events which followed showed that both sides kept their part of the bargain.

One of the first contracts of Farben with the Reich for production of strategic materials in which the Reich guaranteed to Farben both the amount of sales and the price, was the gasoline agreement between Farben and the Reich Ministry of Economics of 14 December 1933. (Exh. 92, NI-881, Bk 5, p 9; Exh. 93, NI-319, Bk 5, p 15). The agreement was submitted to Hitler himself by the Reich Chancellery (Exh. 94, NI-320, Bk 5, p 16). Prior to this contract, Farben's expenditures in the development of the hydrogenation process (over 400,000,000 RM) resulted in an enormous net loss for Farben. (Exh. 522, NI-9922, Bk 26, p 89; Exh. 513, NI-9477, Bk 26, p 30). The defendant Buetevisch stated in a speech delivered in March, 1938:

"I do not forget the day of the year 1933 when I could accept from the Reich government in Berlin the order now to proceed and expand with all possible energy the production of gasoline, which for reason inherent in political economy, could not be fully developed prior to the taking of power. From that day on we find ourselves in this invariably great experience of expanding our industry in a measure heretofore unknown." (Exh. 514, NI-6530, Bk 26, p 32).

In spring 1933, Farben started large scale production of synthetic gasoline in the Launa Works (Exh. 541, NI-8314, Bk 27, p 154; Exh. 542, NI-8318, Bk 27, p 157)*.

* The large scale production of synthetic fuel could not be justified by purely economic reasons since, the investment cost of synthetic fuel and lubricant plants "is from 10 to 30 times as high as the investment cost to produce similar quantities of liquid fuels from natural petroleum." (Testimony of Mr. Elias, Tr. p 1351).

On 11 October 1934, a conference was held at the Leuna plant between General Bockalberg, Chief of the Army Ordnance Office, representing the Wehrmacht, and Farben representatives, among them the defendants Krauch, Schneider, and Buetefisch, where measures for the A-Fall (case of war) were discussed. (Exh. 517, NI-3975, Bk 26, p 45). Farben was one of the first co-founders of the Brabag and supplied this company with its hydrogenation patent licenses. (Exh. 518, NI-7669, Bk 26, p 59, report on oil discussion, Ludwigshafen, 10 January 1935; Exh. 521, NI-7767, Bk 26, p 80, license agreement Farben and Brabag, June/August 1935.)

Farben, starting in 1933 by conferring with the Luftwaffe, developed high-grade aviation gasoline for its military aircraft. (Exh. 523, NI-5931, Bk 26, p 94; Exh. 524, NI-9088, Bk 26, p 100; Exh. 535, NI-7822, Bk 27, p 114; Exh. 536, NI-7127, Bk 27, p 119).

The nature of the fuels and lubricants produced differed from those used in peacetime. (Testimony of Elias, Transcript p. 1362-1364; Exh. 516, NI-7295, Bk 26, p 37; Exh. 523, NI-5931, Bk 26, p 94).

The production of synthetic gasoline was subsidized by the Reich authorities by the grant of special tax reductions, etc. (Exh. 525, NI-355, Bk 26, p 109; Exh. 526, NI-358, Bk 26, p 111; Exh. 527, NI-357, Bk 26, p 112). In May 1936, Goering emphasized in the presence of the defendant Schmitz that:

"in the A-case (A-Fall) we would not under certain circumstances get a drop of oil from abroad. With the thorough mobilization of Army and Navy, the whole program of conduct of war depends on this. All preparations must be made for the A-case so that the supply of the wartime army is safeguarded." (Exh. 400, NI-5380, Bk 19, p 1).

Struss, in a lecture on the Four Year Plan delivered on 13 May 1936, stated with regard to the:

"political significance of gasoline * * * Italy won the Abyssinian war by modern weapons and by building special highways. In modern wars the consumption of gasoline for motorized troops, tanks, airplanes, is immense." (Exh. 96, NI-8327, lecture of Dr. Struss, 13 May 1936.)

A report of the Military Economic Staff of the OKW, which went to the defendant Krauch, summarized the importance of mineral oil and gasoline as follows:

"mineral oil is just as important for modern warfare as airplanes, armor, vehicles, ships, weapons and munitions."

(Exh. 538, NI-7471, Bk 27, p 126, report of Military Economic Staff, 30 January 1939).

Farben's production of synthetic gasoline rose from 200 metric tons in 1935 to 22,000 metric tons in 1939 and then to 118,500 metric tons in 1943. (Testimony of Elias, Transcript p 1354; Exh. 612, NI-10008, Bk 34, p 115).

What Farben's importance to the war was, as respects synthetic gasoline is set forth in the official report of the Enemy Oil Committee for the Fuels and Lubricants Division of the Office of the Quartermaster General on Petroleum Facilities of Germany, as follows:

"The outstanding feature of Germany's oil economy during the past ten years has been the spectacular development of her synthetic oil plants for the production of oil from coal. This attempt at complete oil anarchy, made without regard to cost or orthodox financial consideration, has no parallel elsewhere and is a striking example of the character of the German master plan for world domination which called for the production within her own boundaries of all the resources essential to modern warfare." (Exh. 544, NI-10507, Bk. 27, p. 162, report by the Enemy Oil Committee, March, 1945).

(3) Synthetic Rubber

On 15 August 1933, Farben advised the Army Ordnance Office of its readiness to take up again production of synthetic rubber on a large scale if it received the support of the Reich. (Exh. 95, NI-8326, Bk. 5, p. 17). A meeting followed in November 1933, at the Reich Ministry of Economics between representatives of I.G. Farben, of the Army Ordnance Office, and the Reich Ministry of Economics. (Exh. 545, NI-6930, Bk 28, p. 1). In 1934 and 1935 numerous conferences took place with the Army Ordnance Office and the representatives of other Reich agencies with the defendant Tar Meier playing an active role (Exh. 95, supra).

The Reich Minister of War had decided in 1934 to earmark 1,000,000 Reichsmarks for tests of synthetic rubber and the Wehrmacht agreed to take over the newly produced tires at the actual cost price. (Exh. 562, NI-7472, Bk. 29, p. 4).

On 4 February 1936, I.G. Farben drew up a draft of a contract for the construction of a buna factory with a capacity of 200 tons per month. (Exh. 95, supra; Exh. 547, NI-7241, Bk. 28, p. 29). A conference took place on 17 June 1936, under the chairmanship of Dr. Krauch with officials of the Reich War Ministry, Army Ordnance Office, and the

Kappler's Bureau present, to extend the capacity of the first buna factory to 1,000 tons per month. (Exh. 549, NI-7625, Bk. 28, p. 47; Exh. 95, supra). The total peace requirements of the Army had previously been estimated at about 50 per month. (Exh. 95, supra.)

At the end of 1936 Farben agreed to build a buna plant of a yearly capacity of 24,000 tons. In 1937 the project was extended to 100,000 tons of buna. (Exh. 554, NI-8833, Bk. 28, p. 94). This expansion of production capacity had to be subsidized by the Reich through loans, sales guarantees, tax reductions, preferential treatment for storage of supplies (Exh. 559, NI-7769), refund for experimental costs (Exh. 558, NI-6343, to Goering, 15 June 1937) and price guarantees. (Exh. 550, NI-882, contract on buna with Reich, 20 September 1937).

When Schacht was in charge of finances in the government, he informed Farben that he was unable to grant them a loan for the new Buna factory. The defendant Ter Meer thereupon suggested that a custom duty be imposed which would finance this construction. (Testimony of Dr. Struss, Tr. p. 4099).

The defendants knew that the extraordinary and uneconomical expansion of production capacity for buna was far beyond the needs of peacetime economy. On 13 January 1937, the defendant Kuehne wrote the defendant Ter Meer that a representative of the Army Ordnance Office had stated:

"The Wehrmacht had considered even the increase at Schkopau of from 200 to 2000 tons as a risk; that it definitely did not welcome a second plant, considering it entirely impudent, and that he (Colonel Philipps), on his part, would do everything in his power, also with Colonel Loeb, to prevent the construction."

The same letter also mentions that Colonel Philipps had stated:

"That the official on the Raw Material staff (of Goering) who so irresponsibly pushes matters concerning construction of rubber plants is Dr. Krauch. I felt that for once I.G. should put a stop to this, since it was in the interests, neither of the Reich nor above all of I.G." (Exh. 552, NI-4626, letter from Kuehne to Ter Meer, 13 January 1937).

By April 1939, after the invasion of Bohemia and Moravia, "political" considerations determined the production of synthetic rubber. (Exh.

* See also the testimony of the witness Elias to the effect that the enormous cost involved in the synthetic rubber program, especially in view of the price on the world market of natural rubber, could not be justified on any financial basis other than that military considerations were involved (Tr. p. 1355).

The German Army "placed practically their entire dependence on Farben's synthetic rubber". Whereas in many other strategic products important stock piles of strategic materials have been accumulated, the stocks of natural and synthetic rubber in Germany at the beginning of the war represented only rubber for 2.4 months of pre-war consumption. (Testimony of Elias, Tr. p. 1357).

As a result of Farben's work in the field of synthetic rubber, Germany experienced no difficulty at the outbreak of the war with regard to its rubber supplies. (Exh. 97, NI-6194, Bk. 5, p. 56). It was Farben's production of synthetic rubber which enabled the Reich to carry on the war for several years which would have been impossible without Farben's buna. (Exh. 542, NI-6318, Bk. 27, p. 157), and it was Farben's efforts to restrict production and research on synthetic rubber in other countries which resulted in the United States having no adequate rubber supply on December 7, 1941. (see discussion under F, infra).

(4) Light Metals

Farben's production of light metals was one of the first topics of discussion by the newly created Reich Air Ministry at a meeting between the Chief of the Army Ordnance Office, General von Bockelberg, Lt. Col. Thomas and others with State Secretary Milch. Farben's aluminum metal was also discussed in connection with the procurement of incendiary bombs. In the same meeting State Secretary Milch transmitted to General von Bockelberg the defendant's Krauch's memorandum on expanding the "home raw materials bases" for the purpose of assuring the fuel oil situation. (Exh. 50, NI-7123, Conference Reich Air Ministry and Army Ordnance Office, 15 September 1933, Bk 5, p 1).

In 1933, Farben had received from the Luftwaffe the order to build a magnesium plant with the capacity of 12,000 tons per year. The site of this factory had been selected by the Luftwaffe in the strategically safe, central part of Germany. Both plant and its production were to be kept secret by order of the Luftwaffe.*

In 1934, another magnesium factory was started by Farben for the Luftwaffe at Staßfurt. The major part of the investment for this plant was provided by the Luftwaffe in the form of a credit of 44,000,000 Reichsmarks. For both plants (Aken and Staßfurt) the Luftwaffe had accorded to Farben particularly high profit rates in order to enable Farben to repay the credits out of the accrued extra profits. (Exh. 98, NI-8317, Bk 5, p 74; Exh. 573, NI-4497, Bk 30, p 8; Exh 574, NI-4496, Bk 30, p 15; Exh. 107, NI-1165, Bk 5, p 108).

Many of the plants were constructed as "stand-by plants". (Exh. 582, NI-6484, Bk 30, p 53; Exh 583, NI-9204, Bk 30, p 56; Exh. 584, NI-7240, Bk 30, p 61).

For the production of light metals, a pooling patents contract was executed at the request of the Reich Ministry of Aviation between Farben

* "Before the plant was actually built, the Luftwaffe carried out a number of tests from the air in order to ascertain how the plant itself could best be camouflaged. . . . Dr. Piator (a deceased Vorstand member) subsequently stated in the TBA that considerable additional cost had to be incurred by ILG, because of the camouflage requirements." (Exh. 98, NI-8317, Bk 5, p 74).

and other light metal companies (Exh. 575, NI-5936, Bk 30, p 25; and Exh. 577, NI-5935, Bk 30, p 29, patents partnership agreement).

Farben's production of light metals concentrated principally on magnesium, of which Farben's production rose from 11,000 tons in 1932 to 16,600 tons in 1939 and 27,400 tons in 1943 (Testimony of Elias, Transcript p. 1360). In 1932 Farben produced 14,000 tons of aluminum, in 1939 16,500 tons and in 1943 24,000 tons (Exh. 612, NI-10008, Bk. 34, p. 150).

The dependence of Farben's production of magnesium and other light metals on Germany's rearmament preparation for war was described by one of Farben's directors in a report on the development of the increased production of light metals in the Four Year Plan.

"Despite successful efforts to establish magnesium as an industrial material, it was not possible to keep the Bitterfeld plant working constantly at full production. The rearmament after the change of government, however, brought far reaching changes. Greater Wehrmacht requirements, particularly for the vehicle and plan industry, which had been developed until then. There was a marked incendiary bomb which had already been suggested in 1917 by Dr. Singer." (Exh. 590, NI-7562, Bk. 30, p. 78.)*

During the war I. G. Farben took the leadership in exploiting the production facilities for light metals of occupied Norway for the needs of the German war economy. (Exh. 585, NI-8033, Bk. 30, p. 63; Exh. 586, NI-8034, Bk. 30, p. 67; Exh. 587, NI-8144, Bk. 30, p. 71; Exh. 588, NI-8827, Bk. 30, p. 74).

(5) Poison Gas

I. G. Farben, which had been the sole producer of poison gas in World War I (Testimony of General Hergen, Tr. p. 731), concluded in August 1935, a contract with Orgacid, according to which I.G. was "to give all chemical technical advice during building concerning the setting in motion and running of the factory including the experimental work" production of dichloridicethylsulphide (mustard gas). (Exh. 351, NI-5681, Book 35, page 45: See testimony of witness Elias on this subject, Tr. p. 1387-1394). I. G. Farben had the technical management of the plant (Exh. 621, NI-5669, Bk. 35, p. 30), and put its processes and experience

* (See testimony of Elias, Tr. p. 1360; Exh. 90, NI-7123, Bk. 5, p. 1; Exh. 581, NI-6483, Bk. 30, p. 48.)

at its disposal (Exh. 624, NI-7274, Book 35, page 62). The Orgacid plant started to work at full capacity in April 1937 (Exh. 626, NI-4484, Book 35, Page 68).

In order to provide the Orgacid Company with the necessary amounts of ethylene oxide and to increase the Phosgene production, steps were taken by Farben in September and December 1936 to fulfill its obligations in the field of poison gas. (Exh. 114, NI-4490, Book 5, page 125; Exh. 623, NI-6764, Book 35, page 68).

In May 1938 the defendants Ambros and von Meer had negotiated with the High Command of the Army and planned for the production of intermediates for mustard gas and the installation of an esterification plant for the conversion into finished mustard gas was contemplated (Exh. 597, NI-7380, Book 33, Page 81).

When in the summer of 1938 Goering pressed the speeding up of a production program for explosives, gunpowder and chemical warfare agents, the defendant Ambros pointed out in a letter to the defendant Krauch:

"Only during the last few months have attempts been made to apply technical advances to the old chemical warfare agents and under the driving forces of industry, especially of I. G. Farben to develop new types, such as mixed mustard gas and N-mustard gas." (Exh. 438, NI-5687, Book 20, page 848).

When in 1938, Krauch was appointed Plenipotentiary General for Goering, he informed Ludwigshafen that the building projects for D-lost have been classified as pressing, and that no postponement of the deadline set for their completion could be tolerated. (Exh. 217, NI-7428, Book 8, page 64). A first large scale experimental station was to be erected at Huels (Exh. 440, NI-8841, Book 35, page 91), and the Krauch Office planned at that time, on 30 June 1938, the erection of a total D-Lost with a monthly capacity of 5200 tons (Exh. 440 supra); the actual building of these additional capacities, though, were to wait until Huels had gained sufficient experience (Exh. 440).

* The only producers of D-Lost in Germany up to the end of the war were Huels and Gendorf (Exh. 1819, NI-12725, Book 36, Tr. p. 4453) both I. G. plants. Hence, the plant that was here planned was Gendorf as Huels was already set up for poison gas.

I.G.'s planned poison gas capacities were, at least: --

- a) prior to 1 September 1939: 77% of total German production*
- b) 1 December 1942: 76.9% of total (Exh. 1820, NI-12678, Book 35, Tr. p. 4453)

On the 8th of May 1942 the GoBeChem (Krauch) estimated that I. G. controlled 90% of the total poison gas production potential (Exh. 1818, NI-12724, Book 36, Tr. p. 4452).

I. G. however, was not only the main producer of poison gas, it has also been the pioneer of poison gas research. (Exh. 617, NI-9203, Book 35, page 1). The position is summed up in the words of the defendant Ambros in a letter to the defendant Krauch, 27 June 1928:

"Only during the last few months have attempts been made to apply technical advances to the old chemical warfare agents and under the driving force of industry, especially of I. G. Farben to develop new types, such as mixed mustard gas and H-mustard gas". (Exh. 438, NI-5687, Book 35, page 104.)

I. G.'s contribution to preparation of chemical warfare include research and development of D-leaf, G-leaf, Tabun and Sarin, H-leaf, Adamsite, and Phosgene (Exh. 618, NI-8980, Book 35, p. 4; Exh. 619, NI-10557, Book 35, p. 10 and 12).

(6) Plant Facilities

The defendant Schmitz in a statement made on 17 September 1945, described the overall situation with respect to plant investments of I. G. Farben as follows:

"Before Hitler, Germany was in an economic crisis illustrated by an unemployment of six million people and our investments were abnormally low. As soon as Hitler came into power, things began to change and our investments grew. At first they began to rise slowly, but with the beginning of the Four Year Plan in 1936, they started to jump rapidly, and in 1938 they grew to an extent of approximately RM 500,000,000. It was absolutely clear that our new investments were tied up directly and indirectly with the armament program. For example, in regard to magnesium and turn and benzine and high octane gasoline, all this was mostly done for Wehrmacht purposes. Therefore, it can be said that most of our whole investments since Hitler came into power were tied up with the Wehrmacht." (Exh. 334, NI-5187, Bk. 12, p. 128.)**

* Orgacid, an "OKH owned plant, operated by I.G." is included

** When defendant ter Meer and other defendants who were in custody at the Krasburg prison, learned of Schmitz's statement, they prepared their own statement correcting what they called inaccuracies and gave it as their view that "all these investments amounting to hundreds of millions of marks resulted from purely private initiative, free from governmental planning, and in continuation of I. G. Farben's old established policy to put into practice the newest achievements in science and technique in all fields of its activities." (Exh. 334, NI-5187, Bk. 12, p. 134).

In such cases Farben used its own funds to construct new facilities or enlarge existing facilities. When the purpose of such new constructions was so specialized with no possibility of normal peacetime activity, Farben sought and received special compensation by way of a very high amortization.*

Another type of financing, used, was the construction of plants where the investment was put by the government. This covers the situation of the construction of plants by "WIPO" and "MONTAN" companies. These plants were built by Farben (Exh. 669, NI-10540, Bk. 31, p. 19) and operated by Farben under a guarantee against loss. Thirty-six out of thirty-seven Montan plants constructed before the war were built and operated by Farben (Exh. 598, NI-9193, Bk. 32, p. 104). The financing, however, was by the Government because Farben knew that "the Montan plants were built exclusively for war" (Exh. 645, NI-7377, Bk. 36, p. 37, Tr. p. 1196), and "insisted on this form of financing in all cases where the production was war material and no assured peacetime market could be expected." (Exh. 673, NI-9192, Bk. 31, p. 35; Exh. 350, NI-6788, Bk. 35, p. 37; Exh. 645, supra). Prior to 1932, I. G. Farben did not operate any plants which it did not itself own. (Exh. 46, NI-9445, Bk. 31, p. 10, Transcript p. 1229).

A number of plants constructed by Farben, beginning as early as 1934, were stand-by plants to be used only in "A-Case". A representative building contract between Farben and OGH recites that "I.G. has on the account of the OGH made various stand-by plants and adjoining supplementary plants available to OGH", and the contract then lists the stand-by plants which had been built prior to that date. (Exh. 594, NI-4493, Bk. 31, p. 76, Tr. p. 1246).

* I.G. treated all new constructions since 1933 which were undertaken for branches of the Wehrmacht, either as contract plants or as Four Year Plants. Contract plants were erected by the I.G. at the order of the Reich and financed by the authority concerned. The borrowed funds were paid off by Reich orders at an accelerated rate. The Four Year plants were erected on order of the Plenipotentiary General for Special Questions on Chemical Production (Krauch) and such plants were essentially financed by Farben's own funds for which special write-offs were recognized by the authorities. The Four Year Plants were never independent plants but parts of existing facilities. (Exh. 696, NI-7237, Bk. 32, p. 83, Tr. p. 1269; See also Exh. 697, NI-7242, Bk. 32, p. 85, p. 88 etseq.)

Examples of the principal plants in the construction program

words:

In 1934, the stand-by plant for stabilizers at Wolfen; and at Aken, a magnesium plant. (Exh. 667, NI-8319, Bk. 31, p. 12, Tr. p. 1230).

In 1935, a stand-by plant at Stassfurt* for magnesium for the Luftwaffe. (Exh. 667, supra).

In 1936, the synthetic rubber and chemical plant at Schkopau; the tetraethyl lead plant at Cappel.**

In 1937, the Teutschenthal plant for magnesium compounds; the Doberitz plant to supply intermediates for the stabilizer plant at Wolfen. (Exh. 667, supra)***

* Besides its investment, Farben was authorized by the Finance Office to write off its machinery depreciation at 20%, (Tr. p. 1910) and also get a credit of 44,000,000 Reichsmarks from the Luftwaffe, which also included the stand-by plant at Stassfurt. (Tr. p. 1912, compare also Exh. 573, NI-4497, Bk. 30, p. 8, re the contract between Reich Minister of War and I.G., covering both the Aken plant and Teutschenthal.)

** Compare the report of the United States Strategic Bombing Survey (Exh. 715, NI-3787, Bk. 37, p. 144) re the importance of tetraethyl lead factories of Cappel and Frose: -- "A major opportunity in the Allied air offensive against oil was unexploited. Ethyl fluid is an indispensable constituent of the high grade aviation gasoline. The addition of ethyl fluid in very small amounts to gasoline is so beneficial that no modern aircraft is operated without it.*** There were only two tetraethyl lead plants in Germany. *** Cappel, near Berlin, capacity of 100 tons per month, and Frose, capacity of 300 tons per month, "See also Exh. 144, NI-4490, Bk. 31, p. 74, re discussion with Army Ordnance about emergency plants in case of "A-Fall".

*** The agreement in 1937 between Farben and WFD concerning the extension of the new plants at Wolfen and Doberitz provided that the plants "will be erected solely for the purposes of the Wehrmacht, that is for the "A-Fall". (Exh. 601, NI-4498, Bk. 31, p. 26, Tr. p. 1236). In discussing the extension of the Teutschenthal works, secrecy was applied (Exh. 623, NI-6764, Bk. 31, p. 91).

In 1938) the Huels plant for synthetic rubber and other chemicals; the nickels and tetraethyl plant at Frossa. The Landsberg plant for synthetic fibres and the Hoechstwerke plant for magnesium.

The I.G. Farben and I.G. controlled companies started in 1932 with investments of approximately 23 million Reichmarks and in 1938 reached over 400 million Reichmarks (Exh. 684, NI-10001, Bk. 32, p. 47, Tr. p. 1264; Exh. 685, NI-10013, Bk. 32, p. 48, Tr. p. 1265; Exh. 686, NI-5813, Bk. 32, p. 51-52). Farben's total expenses for new construction work "from 1932 to beginning of 1941 amounted to two billion Reichmark". (Exh. 686, NI-5813, Bk. 32, p. 51-52).

A breakdown has been made of the investments according to the 18 products most important for waging war. (Exh. 687, NI-10007, Bk. 32, p. 54; Exh. 690, NI-10926, Bk. 32, p. 65, Tr. p. 1267). To merely limit the evidence to investments made by Farben itself does not in our view give a true picture of the situation. Consideration must be also given to the very substantial amounts which Farben received by way of subsidies and loans from the Reich. (Exh. 691, NI-10004, Bk. 32, p. 69, Tr. p. 1267-1268). These credits and subsidies exceeded 4,000,000,000 marks. (Exh. 692, NI-10016; Exh. 693, NI-10011; Exh. 694, NI-10012; Exh. 695, NI-10922; Exh. 697, NI-7242, Bk. 32).

E. Stockpiling of Critical War Materials for Nazi Offensive

As early as 1934, Farben began stockpiling raw materials as part of the government's program of "economic preparation for war". (Exh. 716, EC-128, Report of the Ministry of Economics, 30 September 1934, Bk 38, p 94). The Office of the Four Year Plan (Krauch) intensified the planning for such stock piling and worked closely with the military. (Exh. 717, NI-7823, Bk 39, p 1). These preparations of the Government were intensified in 1937, (Exh. 719, EC-258, Bk 39, p 10). In April 1938 Krauch's

* The correspondence regarding this plant states that it was undertaken "in consideration of the interests of Military Policy." (Exh. 683, NI-9548, Bk. 32, Tr. p. 1263-1264). In July 1938 secured the agreement of the Air Ministry that it did not have to invest its own funds as it was to be a stand-by plant." (Exh. 879, NI-6482, Bk. 31, p. 70, Tr. p. 1244) and as later as March 1939, discussions on extension of plant facilities for magnesium were classified as secret (Exh. 677, NI-6504, Bk. 31, p. 72, Tr. p. 1245). In July 1939, Farben and Army Ordnance are planning stand-by plants for "A-Fall" to produce aluminum chloride where experiments on production were already taking place at the Huels plant.

Office for Economic Development worked out a program for assuring mobilization provisioning by stock piling. (Exh. 718, NI-7848, Bk 39, p 3).

Farben started in October 1934 to make monthly reports to the Army Ordnance Office and later to the Military Economic Staff on the stock piling of pyrites for the production of concentrated sulphuric acid (Exh. 749, NI-8843, Bk 40, p 85).

The product of the magnesium plant in Aken was stored beginning in September 1935 in the form of tubes for incendiary bombs which were camouflaged as ordinary civilian products. (Exh. 744, NI-4832, Bk 40, p 42). The plants which Farben had constructed for the Luftwaffe in Aken and Biebrich were used for producing magnesium to be stock piled for the case of war. As early as December 1936, Farben was assured by a representative of the Air Ministry that "the present stock piling would be sufficient for the beginning also for "Case A". (Exh. 745, NI-1148, Bk 40, p 46).

The defendants had started already in 1935 to stockpile nickel and nickel ore (Exh. 720, NI-9549, Bk 39, p 115); and were particularly active in obtaining supplies of nickel ore for Germany in cooperation with the German Military Economic Staff (Exh. 721, NI-7563, Bk 39, p 33). The defendants Krieger and Krauch participated already in August 1936 in submitting a special study to the Reich War Ministry on "the problem of supplying Germany with nickel". (Exh. 722, NI-4921, Bk 39, p 35). The defendants arranged through their cartel connections for increased nickel imports from the Mond Nickel Company in 1937 (Exh. 723, NI-10389, Bk 39, p 42); and Farben kept close contact with the Military Economic Staff on all purchases of nickel for stockpiling purposes (Exh. 724, NI-7564, Bk 39, p 45).

The defendant Hoeffliger was particularly active in obtaining the strategic nickel supply for Germany by exploiting Farben's international cartel connections. (Exh. 725, NI-9636, Bk 39, p 47). Farben cooperated closely with the Wigo Company which acted for the German Government to stock pile nickel ores as "war stocks". (Exh. 726, NI-9638, Bk 39, p 51; Exh. 727, NI-9639, Bk 39, p 54).

The defendants also helped the German government in stock piling molybdenum, (Exh. 729, NI-40388, Bk 39, p 57; Exh. 730, NI-9640, Bk 39, p 59).

As early as October 1935, Farben constructed bomb proof gasoline storage tanks in cooperation with the Reich War Minister, the Reich Air Minister and the Vifo. (Exh 747, NI-7566, Bk 40, p 53). In 1936 the defendants purchased 20 million dollars worth of gasoline from the Standard Oil Company in order to build up gasoline stocks for the Luftwaffe. (Exh. 731, NI-4690, Bk 39, p 79; Exh 994, NI-10551, Bk 43, p 87). In July 1938 (the time when Goering made his aggressive speech at Karinhall and when the defendant Trauch worked out for Goering the Karinhall Plan) the defendants arranged with the Ethyl Lead Corporation to borrow 500 tons of tetraethyllead, indispensable for the production of high octane aviation gasoline. (Exh. 732, NI-4922, Bk 39, p 93). This transaction was undertaken "because in case of war Germany did not have enough tetraethyllead to wage war for which reason the German Reich pursued a stock piling policy." (Exh. 733, NI-4831, Affidavit of Dr. Holmuth Henso, 17 March 1947, Bk 39, p 113). Farben intensified its stock piling measures between November 1938 and August 1939. (Exhibits 737 thru 742, Bk 40). In January 1939, Farben representatives and a representative of the Army Ordnance Office decided to stock pile stabilizers for gun powder on a large scale. (Exh. 118, NI-4492, Bk 5, p 130, Tr. p 402).

Farben was one of the founders of the Vifo (Wirtschaftliche-forschungsgesellschaft) which was created to construct storage facilities and to stock pile gasoline, pyrites, nickel ores and other strategic materials. (Exh. 752, NI-25, Bk 61, p 1; Exh. 751, NI-8596, Bk 40, p 108; Exh. 755, NI-7131, Bk 61, p 10; Exh. 756, NI-7120, Bk 61, p 13).

F. Use of International Agreements to Weaken Germany's Potential Enemies.

Farben's contractual history with Standard Oil is an excellent illustration of the manner in which Farben, in close cooperation with the Nazi government, deliberately utilized international cartel arrangements as a military weapon to weaken other countries. In 1929, shortly after Farben had developed its processes for the manufacture of synthetic fuels, a series of agreements were concluded between Farben and the Standard Oil, the general purport of which was that throughout the entire world, including the United States, Standard Oil recognized Farben's priority in the "chemical" business and that, except within Germany, Farben recognized Standard Oil's priority in the "oil" business. New "Chemical" processes discovered by Standard Oil were to be turned over to Farben unless they bore a close relation to the "oil" business, and Farben entered into a reciprocal obligation with respect to developments related to the "oil or natural gas" business, except within Germany. (Exh. 942, NI-10550, Bk 42, p 1; Exh. 943, NI-10430, Bk 42, p 23).

In 1930, Farben and Standard Oil entered into a further agreement, the purpose of which was stated to be "the desire and intention of the parties to develop and exploit their new chemical processes jointly on a basis of equality (50-50)". For this purpose, a jointly owned corporation called Jasco was set up to test and develop new processes turned over to it by either Standard or Farben. (Exh. 945, NI-10433, Bk 42, p 56). Despite the general language of the Jasco agreement, it apparently was agreed on both sides that the development of synthetic rubber processes fell within its terms, and that new developments in the synthetic rubber field should be turned over to Jasco. (Exh. 947, NI-10434, Bk 42, p 81; Exh. 948, NI-10450, Bk 42, p 94; Exh. 949, NI-11249, Bk 42, p 98; Exh. 950, NI-10576, Bk 42, p 99; Exh. 951, NI-10565, Bk 42, p 104).

The Standard Oil Company observed the agreement meticulously and spoke of the "spirit of good will" on the part of Farben. (Exh. 946, NI-10431, Bk 42, p 73). Farben, on the contrary, throughout the period of the agreement, behaved with calculated deceitfulness, and every move was made in consultation with the Nazi government and was directed to strengthen Germany's technical position and slow down research in the United States.



As early as March 1934, Farben instructed its subsidiary in New York, Chemnyco, which was negotiating with the DuPont Company on nitrogen matters, not to indicate to DuPont that the Nazi government might interest itself in the international interchange of technological processes. (Exh. 952, NI-10547, Bk 42, p 110). The letter states that: "We must now allow foreign industry to gain the impression that, in this respect, we are not free to negotiate". And in 1935, a memorandum of a conference between Farben representatives and Wehrmacht officials stated (Exh. 523, NI-5931, Bk 42, p 115):

"The I.G. is bound by contract to an extensive exchange of experience with Standard. This position seems untenable as far as developmental work which is being carried out for the Reich Air Ministry is concerned."

In July 1937, a conference was held between Farben and the Military Staff, the Army Office and the Reichs Air Ministry concerning maintaining secrecy on the improvements of I.G. processes for the production of motor fuels and lubricants. The necessity was stressed of keeping Farben processes for the production of fuels and airplane gasoline secret except to the extent already known by foreigners and authorized by the Wehrmacht. The test agreed upon was whether there was any immediate danger that foreigners would develop the processes in the near future without the benefit of the Farben know-how. (Exh. 954, NI-10437, Bk 42, p 121). It was agreed in part as follows:

"In consideration of its exchange of know-how agreements I.G. Farbenindustrie is permitted to inform its partners in the agreements in a cautious way shortly before the start of large-scale production that it intends to start a certain production of iso-octane and ethylene-lubricant. The impression is, however, to be conveyed that this is a matter of large-scale experiments. Under no circumstances may statements on capacity be made."

Farben's cartel policy is stated bluntly in the memorandum which the defendant Bustafisch wrote in January, 1940 (Exh. 958, NI-10447, Bk 42, p 132). After reciting that "in the field of mineral oils" there were agreements for the exchange of technical experience between Farben and Standard Oil, it stated in part:

"Up to now, we handled this exchange of experiences in such a way that we have given only reports which, after consultation with the OKW and the RWM, seemed to us unobjectionable and contained only such technical data as concerned known facts or such things as were technically outdated by the latest progress. By handling the agreements in this way we succeeded, viewed as a whole, in obtaining an advantage for German economy."

On this memorandum appears a handwritten note reading: "Agreed, Director, Dr. Bustefisch, is responsible that nothing of military or defense-political importance gets abroad." This note was initialed by Hermann Goering.

The above description of Farben's tactics in the field of oil is equally valid for synthetic rubber. In 1937 began a long course of negotiations between Farben and Standard with respect to Farben's making available, for commercial development in the United States, the patents and, what was much more important, the "know-how" for the manufacture of buna rubber (Exh. 955, NI-10436, Bk 42, p 124; Exh. 956, NI-10470, Bk 42, p 128; Exh. 957, NI-10438, Bk 42, p 130; Exh. 959, NI-10453, Bk 42, p 135). Farben's carefully planned conduct was such as to lead Standard Oil and the big American rubber companies to believe that they would get the know-how from Farben, and thereby discourage independent research in America. In this connection see particularly Exh. 957, NI-10438, Bk 42, p 130 and compare the position which the defendant Ter Meer took at this time, 1937, with the position he took in 1935, when he advised against bringing the American companies into the synthetic rubber project (see Exh. 953, supra). The reason for this change of attitude on the part of the defendant Ter Meer is clearly revealed in a letter from the defendant Ter Meer to the defendant Kneuch (copy to defendant Ambros) dated 5 January 1942 (Exh. 960, NI-10455, Bk 42, p 136), which reads in part as follows:

"Mr. Sebrell informed us about experimental work done by the firm of Goodyear with polymerization compounds obtained in copying our Buna S, and Buna N, and he brought us samples which, it is true, were not exactly like our products but which nevertheless showed that in their own experimental work the firm of Goodyear had made rather good progress, so to say. In view of the experimental work done by his firm, Mr. Sebrell asked for an exclusive license on our Buna patents for U.S.A. This we declined at the time because we were of the opinion that the moment for doing work in a foreign country had not as yet come. Nevertheless, the Goodyear Company's information - evidently they had already found a supplier for Butadiene and Styrol at a later date we learned that the firm in question was the well-known firm of Dow in Midland - caused us to do some thinking and in the spring of 1938, this brought about the discussion with Brigadier General Loeb as well as Dr. Mulert and Dr. Eckell."

Farben did not attempt to conceal the fact that the Reich government might not look with favor on a turning over of Farben's buna processes,

but it succeeded in conveying the impression that Farben itself was only too willing to oblige, and that it would surely secure government approval in the near future. Impressed with Farben's protestations of good will, the Standard Oil Company turned over to Farben their own butyl (copolymer) rubber process. On 15 March 1938, three days after the occupation of Austria, Mr. Howard wrote (see Exh. 959, supra):

"In view of the very genuine spirit of cooperation which Dr. Ter Meer displayed, I am convinced that it is not only the right thing to do, but the best thing from every standpoint to pass on to them full information on the copolymer at this time. I do not believe we have anything to lose by this which is comparable with the possible benefit to all of our interests."

Three days later, a conference was held at the Reich Economics Ministry which was attended, on behalf of Farben, by the defendant Ter Meer. A memorandum of this conference states in part (see Exh. 960, supra.).

"Conferences which, up to now, had the sole object of easing the minds of American interested parties; and to prevent as much as possible an initiative on their own part within the frame of butadiene rubber, were held with Standard, Goodyear, and Goodyear. We are under the impression that one cannot stem things in the U.S.A. much longer without taking the risk of being faced all of a sudden by an unpleasant situation, and lest we be unable to reap the full value of our work and our rights.....The American Patent Law does not make licensing mandatory. It would nevertheless be conceivable that because of the extraordinarily great importance of the rubber problem for the U.S.A. and because tendencies for restoring military power are very strong there too, considering the decrease in unemployment, etc., a bill for a corresponding law might be submitted to Washington. We, therefore, treat the license requests of the American firms in a dilatory way so as not to push them into taking unpleasant measures."

In October 1938, the Reich Ministry of Economics did in fact give permission for the utilization of Farben's buna patents and technical information abroad, subject to the condition that the government's consent would have to be obtained before the final consummation of any such arrangement (Exh. 967, NI-10459, Bk 42, p 156). The following month, the defendant Ter Meer paid a visit to the United States, and discussed commercial exploitation of buna rubber with Standard Oil and the big American rubber companies (See Exh. 968, NI-10460, Bk 42, p 158; Exh. 969, NI-10461, Bk 42, p 161; Exh. 970, NI-10462, Bk 42, p 165). But Ter Meer did not enter into any final contractual arrangements, and in the spring of 1939, negotiations along this line came to an end. As

Tar Meer succinctly put it in a letter to the defendant Krauch in January, 1942 (see Exh. 960, supra):

"I should like to state that, except for the license agreement concluded with our ally, Italy, processes and experiences on the production of butadiene and the manufacture of buna S and N were never made available abroad."

Mr. Howard came to Holland and conferred with the Farben representatives at the Hague later in September 1939 (see Exh. 973, NI-10465, Bk 42, p 171; Exh. 974, NI-10466, Bk 42, p 184; Exh. 975, NI-10467, Bk 42, p 193). As a result of this conference, Farben transferred its interest in Jasco to the Standard Oil Company and transferred the buna patents to Jasco, but the vital "know-how" necessary for speedy exploitation of the patents was not transferred. A letter to the defendant von Knieriem on 28 September stated (Exh. 974, supra):

"Dr. Tar Meer thinks it is necessary to point out specifically that there will be no exchange of experience with respect to buna."

The assignment of the buna patents themselves involved no more than bare specifications. Without knowledge of the accompanying Farben processes, they were of little value. The only reason that Farben assigned the patents to Jasco in 1940 was to prevent enemy countries from seizing them, and to safeguard them in the event of war between Germany and the United States (see Exh. 976, NI-10468, Bk 43, p 1; Exh. 977, NI-10469, Bk 43, p 8; Exh. 978, NI-10470, Bk 43, p 17; Exh. 979, NI-10471, Bk 43, p 23).

From 1939 on, it was quite impossible to obtain further technical information from Germany on the buna process (see Exh. 983, NI-10475, Bk 43, p. 48; Exh. 984, NI-10472, Bk 43, p 51; Exh. 995, NI-10553, Bk 43, p 97).

A most enlightening description of Farben's policy is contained in a memorandum submitted by Farben scientists to the defendant von Knieriem in May 1944 (Exh. 994, NI-10551, Bk 43, p 87), copies of which were forwarded by von Knieriem to Schmitz, Ambros, Bueteftisch and Schneider. This memorandum relates the story (in part) of how Farben weakened the United States and what she got from the United States which was "vital for the conduct of war". The memorandum and accompanying letter need no explanation.

As a result of the efforts by Farben to restrict production and research on synthetic rubber, the United States found itself with no adequate rubber supply and with no adequate program underway for making synthetic rubber when it was attacked on 7 December 1941. (Exh. 996, NI-10620, Bk 43, p 110; Exh. 997, NI-10621, Bk 43, p 113; Exh. 998, NI-10549, Bk 43, p 117).

Synthetic oil and synthetic rubber were not the only fields in which Farben used its international agreements as a military weapon designed to weaken other countries. Farben's activities included retarding production and controlling the supply for military reasons of such strategic products as magnesium, synthetic nitrogen and tetrazene. Exh. 999, NI-10968, Bk 43, p 126; Exh. 1000, NI-10967, Bk 43, p 127; Exh. 1001, NI-10966, Bk 43, p 139; Exh. 1002, NI-11203, Bk 43, p 152; Exh. 1003, NI-10965, Bk 43, p 159; Exh. 1004, NI-10954, Bk 43, p 166; Exh. 1005, NI-10953, Bk 43, p 167; Exh. 1006, NI-10952, Bk 43, p 168; Exh. 1007, NI-10960, Bk 43, p 169; Exh. 1008, NI-10955, Bk 43, p 172; Exh. 1009, NI-10959, Bk 43, p 173; Exh. 714, NI-4832, Bk 43, p 175; Exh. 96, NI-6317, Bk 43, p 179; Exh. 745, NI-1148, Bk 43, p 182; Exh. 1010, NI-622, Bk 43, p 185; Exh. 1011, NI-10969, Bk 43, p 188; Exh. 1012, NI-10970, Bk 43, p 211; Exh. 1013, NI-10963, Bk 43, p 222; Exh. 1014, NI-10964, Bk 43, p 224; Exh. 611, NI-7745, Bk 43, p 225; Exh. 888, NI-11197, Bk 43, p 232; Exh. 1015, NI-11204, Bk 43, p 237; Exh. 1016, NI-7543, Bk 43, p 239; Exh. 1017, NI-10786, Bk 43, p 252; Exh. 1018, NI-10784, Bk 43, p 262; Exh. 1019, NI-10785, Bk 43, p 262.

The defendant Schmitz has stated (Exh. 334, NI-5187, Bk 12, p 126):

"It was absolutely clear, that insofar as international agreements were concerned in the chemical field, that the government wanted us to keep the Wehrmacht here as strong as possible."

In commenting upon this the defendant von Schnitzler stated (Exh. 1812, NI-11591, Bk 16, to p 4447):

"Absolutely true-how can one deny that?" *

And the defendant Kugler admitted that the foremost purpose of

* The defendant von Schnitzler also stated (Exh. 40, NI-5196, Bk 1, p 54):

"..... the development of I.G. during the last 12 years cannot be separated from the government's foreign policy."

the Nazi government and I.G. was "to keep the Wehrmacht all powerful vis-a-vis all other countries including the U.S.A." (ExH. 1015, supra).

In summary, as was found in an official American government study of Germany's use of international cartels: *

"Germany used the cartel device as a medium for strengthening Germany's position to make war, and in turn, to weaken the defensive position of its potential enemies."

* "Study of the FEA Drafting Committee on the Treatment of German Participation in International Cartels from the Standpoint of International Security", 10 October 1945, p 2.

G. Propaganda, Intelligence and Espionage Activities

Propaganda, intelligence, and espionage activity was one of Hitler's basic weapons in his plans of world conquest. Concerning the role these activities were to take in the Nazi war plans, Hitler stated (Exh. 774, NI-10933, Book 44, p. 1):

"When I wage war,....in the midst of peace, troops will suddenly appear, *** They will march to the headquarters of the General Staff. They will occupy the ministries, the Chamber of Deputies. Within a few minutes, France, Poland, Austria, Czechoslovakia, will be robbed of their leading men. An army without a general staff! All political leaders out of the way! The confusion will be beyond belief. But I shall long have had relations with the men who will form a new government - a government to suit me."

"Our strategy is to destroy the enemy from within, to conquer him through himself" (p. 3)

"I shall never start a war without the certainty that a demoralized enemy will succumb to the first stroke of a single gigantic attack....When the enemy is demoralized from within, when he stands on the brink of revolution, when social unrest threatens - that is the right moment. A single blow must destroy him"(p. 5)

It is now a matter of history, fully recorded in the Judgment of the International Military Tribunal, that Nazi Germany did, in fact, utilize Fifth Column activities as one of its major tactics to achieve world domination. The evidence shows that the defendants did not merely participate in and carry out this program, but that for the most part, they assumed leadership in planning and organizing such program with the Nazi officials and placed their personnel in prominent positions in official and semi-official organizations to carry out these tasks.

In 1933, immediately on Hitler's rise to power, the defendant Ilgner, assisted by the defendant Gattinow, rallied the industrialists around a program to spread propaganda in foreign countries to sell the "new Germany" to those countries. A circle of economic experts was created for this purpose. Ilgner was responsible for handling the program with respect to the United States, and Gattinow with respect to Scandinavia (Ex. 26, NI-4833, Book 44, P. 14; Ex. 772, NI-6702, Book 17, p. 23). Meetings of the Circle were attended by Goebbels. (Exh. 772, NI-6702, Book 17, p. 26; Ex. 378, NI-4928, Book 46, p. 104).

The defendants, Mann, Schnitzler, and Gattinonu were appointed to the Publicity Board of the German Economy by Propaganda Minister Funk* at a meeting held on October 30, 1933, attended by Nazi ministers, under-secretaries, and prominent representatives of the Party and of industry. The meeting was addressed by Funk, who announced his chairmanship of the Board to insure the close cooperation of the Board with the Ministry of Propaganda, and Goebbels, who urged the participants to "go ahead in the spirit of National Socialist vigor and conviction." (Exh. 62, NI-1105, Book 44, p. 53,54). The defendant von Schnitzler was appointed chairman of another propaganda agency, (Exh. 778, NI-880, Book 44, p. 53), and the president of the Reich Press Chamber and Reich Chief of the National Socialist Press was appointed deputy to von Schnitzler. (Ibid, p. 57).

One of the first major achievements of I.G. Farben in the field of winning friends for Nazi Germany during the precarious first days of its program in 1933 was the hiring of the American public relations expert, "Ivy Lee", to advise Nazi Germany concerning its propaganda techniques in the United States. The defendant Ilgnor arranged for Ivy Lee to visit Hitler and Mussolini and paid the \$25,000 fee attached to this venture. ** Farben provided the organization to carry out the ambitious program proposed by Ivy Lee, using among others, the Institute for Market Analysis, which it supported financially, the Karl Schurz Association, the Circle of Economic Experts, and members of the Berlin NW 7 staff (Exh. 772, NI-6702, Book 17, pps. 23, 24, and 35; Exh. 297, NI-6699, Book 17, P. 46; Exh. 776, NI-7605, Book 44, page 18). In January 1934, on a second visit, Ilgnor took Lee to see Goebbels, von Papen, Neurath, and Schmidt to discuss the propaganda program. (Exh. 777, NI-10921, Book 44, pps 21, 27, 39). In furtherance of this program I.G. sent on behalf of the German government,

* Funk was at that time Under-Secretary of the Ministry of Propaganda and a leading figure in the various Nazi organizations which were used to control the press, films, music, and publicity houses. (IME, p. 131).

** The defendant Schmitz, after discussion with Bosch, personally paid Ivy Lee his first payment and in cash. The U.S. Congressional Investigating Committee on Un-American Activities brought this transaction to light (Exh. 777, NI-10921, Book 44, p. 21).

"immense amounts of propaganda material, books, pamphlets, newspaper clippings, and documents "world without end" * (Exh. 777, supra, pages 32, 37, 38)

In December of 1933, the defendant Mann sent a circular letter to all of the Bayer representatives abroad describing in detail the "achievements" of the Nazi Regime since its advent to power, and the "miracle of the birth of the German nation".

"We wish to express the hope that this report will supply you with important data, enabling you to continue to assist us in our struggle for the German conception of law. We ask you expressly in connection with your collaborators and your personnel, to make use of these data in a manner which appears appropriate to you, to the end that all co-workers of our pharmaceutical business become familiar with these general, economic and political conceptions." (Ex. 782, NI-10267, Bk. 47, p. 89.90)

This was but the first of a series of directives to its agencies and personnel abroad to mold opinion to help and support the Nazi Regime and in other ways to further the objectives of the Nazi program.**

On September 10, 1937, the Commercial Committee of I.G. Farben passed the following resolution at a meeting attended by the defendants Schnitzler, Mann, and Oster:

"Staffing of our agencies abroad and collaboration with the A.O.
(Organization of Germans Abroad)"

It is generally agreed that under no circumstances should anybody be assigned to our agencies abroad who is not a member of the German Labor Front and whose positive attitude to the new era has

* The United States was not the only beneficiary of immense amounts of literature "world without end". In prosecutions Exh. 784, NI-8426, Bk. 44, p. 94, the minutes of a Bayer Director's meeting of 16 May 1934, it was noted that French pamphlets of Hitler's speeches sent to a Bayer agency in Belgium were confiscated by the authorities; and in Exh. 783, NI-8420, Bk. 44, page 93, at a meeting of the Bayer Director's of 23 January 1934, at which the defendant Mann presided, it was noted that "propaganda mail to about 16,000 physicians including the text of Adolph Hitler's speech to the Reichstag about the German people's readiness for peace" was sent to Brazil.

** Ex. 785, NI-8421, Bk. 44, p. 95; Ex. 786, NI-8422, Bk. 44, p. 96; Ex. 773, NI-6701, Bk. 17, p. 33; Ex. 790, NI-070, Bk. 44, p. 111; Ex. 363, NI-4959, Bk. 45, p. 5; Ex. 803, NI-8428, Bk. 45, p. 18; Ex. 129, NI-6489, Bk. 45, p. 20; Ex. 807, NI-2786, Bk. 45, p. 47; Ex. 806, NI-7964, Bk. 45, p. 53;

not been established beyond any doubt. Gentlemen who are sent abroad should be made to realize that it is their special duty to represent National Socialist Germany. They are particularly reminded as soon as they arrive, they are to contact the local or regional group (of Germans abroad) respectively, and are expected to attend regularly at their meetings as well as at those of the Labor Front. The Sales Combines are also requested to see to it that their agents are adequately supplied with National Socialist literature.

"Collaboration with the A.O. must become more organized. It seems practical to work out a uniform plan jointly with the A. O. which will show within which period of time it will be possible to eliminate deficiencies still existing with our agencies abroad, which have been a subject for complaint."

And again on 16 February 1938 at a meeting of the Bayer Board of Directors presided over by the defendant Mann, I.G. affirmed the National Socialist attitude of the entire Bayer Organization and requested the offices abroad to cooperate with and follow the Nazi Party Line. The minutes of this meeting state:

"National Socialist Attitude"

The chairman points out our incontestable being in line with the National Socialist attitude in the association of the entire "BAYER" pharmaceutical and insecticides; beyond that, he requests the heads of the offices abroad to regard it as their self-evident duty to collaborate in a fine and understanding manner with the functionaries of the Party, with the DAF (German Workers' Front), etc. Orders to that effect again are to be given to the leading German gentlemen so that there may be no misunderstanding in their execution".

"The Management of our Offices Abroad"

is to be in the hands of German gentlemen as a matter of basic policy. Should existing national laws make this impossible a German gentleman is always to be delegated to the agency in question, whose task it will then be to keep up relations with the branch-offices of the Party abroad, and to put forth great effort in behalf of the National Socialist attitude of Germans abroad who belong to our organization." (Exh. 803, NI-8428, Book 45, p. 18).

On 25 February 1938, the defendant Mann wrote to Homann in Argentina repeating his request that Homann "should again and again make all endeavors to support not only the government agencies, but also official Party agencies in their work abroad." This letter was sent to the heads of all of the Bayer offices abroad. (Exh. 129, NI-6489, Book 45, p. 20).

In accordance with these instructions, the various representatives and employees of I.G. Farben abroad created and participated in programs, together with the foreign organizations of the Nazi Party,

the German embassies and Legations, and other powerful institutions acting in the Nazi cause, such as the German Chambers of Commerce.

I. G. was kept informed of the various schemes and projects undertaken and approved and ratified them. (Exh. 780, NI-9896, Book 44, p. 83; Exh. 781, NI-9897, Book 44, p. 87; Exh. 789, NI-6696, Book 44, p. 109; Exh. 787, NI-4610, Book 44, p. 97; Exh. 788, NI-4613, Book 44, p. 102).

A trip by Ilgner in 1936 to South America resulted in the setting up of a detailed program on "defense against fostering of anti-German sentiments in Latin America." The program contemplated the distribution of propaganda material through Latin American Chambers of Commerce, the branch offices of German banks and the representative of Germany economy. The use of the film, the exchange of students, businessmen, scientists, and artists, the use of German clubs are all mentioned as important sources for "important propaganda work for German."*

(Exh. 790, NI-070, Book 44, p. 111).

Ilgner in his report on this trip, discusses the tasks of "Verbindungsmänner", who were leading men of I. G. Farben abroad appointed pursuant to a decision of the Commercial Committee, many of whom held leading posts in the Foreign Organization of the NSDAP or in German clubs, chambers of commerce, and other German institutions abroad. (Exh. 772, NI-8702, Book 17, p. 23). Ilgner's report clearly indicates that the Verbindungsmänner were to coordinate all of the Fifth Column activities engaged in by the defendants' agents abroad. (Exh. 773, NI-6701, Book 17, p. 33).

* The defendant Ilgner was a member of the supervisory board of the Trans-Ocean News Service (Exh. 377, NI-6544, Book 17, p. 311), which was the official German news agency of the Nazi Propaganda Ministry. As to the support given by Farben to schools and cultural institutions, (see exhibit 797, NI-4864, Book 44, p. 147; Exh. 79, NI-4863, Book 44, p. 154; Exh. 798, NI-8512, Book 44, p. 150; Exh. 799, NI-6126, Book 45, p. 1; Exh. 796, NI-7338, Book 44, p. 144; Exh. 818, NI-6293, Book 45, p. 140) as to support given by Farben to Chambers of Commerce abroad, (see Exhibit 819, NI-5751, Book 45, p. 41; Exh. 820, NI-1327, Book 45, p. 143; 146; Exh. 830, NI-5753, Book 46, p. 18).

In April, 1938, shortly after the seizure of Austria, a representative of I. G. Farben attended a conference of the International Central Office "Joy and Work" of the German Labor Front, which set out a propaganda campaign to be carried out by the I.G. Verbindungssektion in Latin America and the West Indies to win friends for Germany. This was the first time a representative of industry participated in a conference of this organization. It was agreed at this conference to use I.G. Farben Verbindungssektion:

"for the reason that, the propaganda will be more forceful because of the complete network of representatives of this firm over the whole continent, and on the other hand, it would be shown that in this case the representatives of a big employer, like the I.G. assist in carrying the idea of organizing leisure activities for employees into a foreign country." (Exh. 807, NI-2786, Book 45, p. 47).

Farben's campaign carried on in conjunction with the government to influence newspapers in accordance with the political aims of the Nazi war program is revealed in a cable received on 4 September 1939 from an I.G. Farben subsidiary requesting I.G. to lend money to the German Legation in case of war and stating that the "Press in Mexico must be influenced". The Vorstand agreed to this request (Exh. 814, NI-8937, Bk 45, p. 131; Exh. 788, NI-4613, Bk 45, p. 53; Exh. 808, NI-7984, Bk 45, p. 53; Exh. 894, NI-8977, Bk 48, p. 103; Exh. 810, 812, Bk 45).

The manner in which German business men and the German government combined in Latin and South America to influence political policy of the governments in supporting the German war preparation and program, is described in the U.S. State Department Report (Ex. 805, NI-10555, Bk 45, pages 30, 32, 36).

A particularly revealing statement from Farben's own files, refers to the activity in Argentina and related countries, among which the following was stated:

"The situation in Uruguay is said to be difficult. On account of the economic situation, the dependence on England and the States is said to be so great that an uninfluenced policy is not possible. In the well-known question of bases, one can even suppose that a direct influence on the Uruguayan ministers concerned existed. However, the Argentine Government, by a timely intervention, succeeded in disturbing the already very far advanced negotiations to such a degree that on account of the inclusion now planned of the adjacent states Argentina, Brazil, Paraguay, and Chile, the settlement of the question of bases has been drawn out considerably. However, Argentina would of course not be in a position to proceed by armed force against a "coup de main" of the U.S.A. at the La Plat

estuary or against any possible cession of the Malvinas by England to the U.S.A." (Exh. 804, NI-10712, Bk 45, p.22)*

Farben's propaganda activities were not limited to the Americas.

I. G. Farben's Fifth Column activities in Czechoslovakia shows that on the 17 May 1938, a few short months before the seizure of Czechoslovakia, a conference was held by various officials of I. G. Farben at which the situation in Czechoslovakia was thoroughly canvassed and a program for action set out. Plans were made for action in the greatest possible speed to carry out the tenets of National Socialism (Exh. 833, NI-6221, Bk 46, p. 29), in contemplation of an "anschluss" or the possibility of the Sudeten Germans becoming "autonomous". Proposals were made in conjunction with a company sponsored by the German authorities for the placement of articles in the Sudeten German Press to "serve as a preparation for a gradual financial strengthening of the Sudeten German newspapers by advertising" (p. 33). A report of this conference and the minutes were given to the members of the Commercial Committee at a meeting attended by the defendants Schmitz, Schnitzler, Haeffliger, Ilgner, Gattinoni, and Eugler (Exh. 1612, NI-6703, Bk 46).

In August 1938, the Roumanian authorities took action against the I. G. Farben Roumanil firm because of support given by I.G. Farben to the Roumanian Iron Guard, the party through which Germany gained its hold on Roumania and maneuvered her into the axis. (Ex. 835, NI-1085 Book 46, pages 39, 43, 44).

* This report also states:

"For the maintenance of the good relations still existing between Germany and Argentina, he (Herr von Thormann) thinks it absolutely necessary that an Argentinian, too, should come to Germany once more to get a direct impression of the actual effects of the war, so that enemy propaganda will be counteracted by evidence. We think it best that Oberingenieur (Chief Engineer) Brandt should be informed about it and that he should be asked to see to it that a respected, high-ranking officer of the Argentine Army comes with him in February to Germany by airplane, because this would be the best opportunity for finding a plausible reason (Gun-Powder Factory Villa Maria). (Exh. 804, NI-10712, Bk 45, p. 21).

In 1939, at a specially arranged meeting for prominent foreign businessmen and economists, where it was anticipated that Germany's foreign policy would be discussed, Farben, in conjunction with the Reich government, organized the "Party Line" to be taken. A report of the meeting indicates that the following occurred with respect to the discussion on foreign affairs: (Exh. 779, NI-826, Bk 44, page 59).

"The English and French papers had heavily exploited the underlying fact that, with the occupation of Bohemia and Moravia, Germany had deviated from the principle of the national state and had thus become a menace to all South-East-European states. Unfortunately no respective counter measures had been undertaken by the German propaganda. Germany ought to emphasize again and again that in the case of Czechoslovakia not a neutral country had been occupied, nevertheless, these smaller countries who will fully maintain their neutrality, will have nothing to fear at all from Germany. It could quite often be observed that foreign friends of Germany were looking for arguments to defend Germany's foreign policy. Benevolent pro-Germans, when talking with us, were always on the lookout for arguments they could offer their compatriots to offset the claim that Germany, with the establishment of the Protectorate, had deviated from her own principles. I have the impression that many a pro-German abroad considers himself exposed to attacks and so, for reasons of self-defense, wants to get hold of any enlightenment we can give him." (p. 63, 63).

The financing of propaganda and other Fifth Column activities throughout the world through foreign exchange provided by I.G.Farben, was another of I.G.Farben's major contributions to effectuate the Nazis war plans. In 1937, General Thomas, Chief of the Military Economy Staff of the Wehrmacht, in a speech delivered at the Wehrmacht War College in which he made clear the measures which were necessary to place Germany in a position to successfully carry out its war program and the tasks which had to be performed by the industrialists of Germany, stated:

"In view of the fact that sizeable means will be needed during the war to make the necessary propaganda to pay for the espionage service and similar purposes, it must be realized that marks are useless and that foreign currency is needed." (Exh 1613, EC-14, Bk 67, p. 5).

I. G. Farben provided this foreign exchange (Exh. 822, NI-9776, Book 45 p. 175). These payments were not made in innocence. On September 4, 1939, the Vorstand approved monthly "loans" of foreign exchange to the German Legation in Mexico in case "war breaks out", (Exh. 814, NI-8937, Book 45, p. 131). On September 19, 1939, German Ambassador Ott in Tokyo refers

to receipt of 100,000 yen supplied by I.G. Farben for propaganda purposes. (Exh. 825, NI-950, Book 46, P. 1) Most of these payments were made in secret and in violation of the laws of the nations whose hospitality the Germans were enjoying and I. G. fully participating in the intrigue necessary to transfer the foreign exchange to the German Embassy and party officials* (Exh. 826, NI-1194, Book 46, p. 3; Exh. 828, NI-068, Book 46, p. 11). At a meeting of the Bayer Board of Directors presided over by the defendant Mann it was noted that:

"From a Protective Power Report (Schutzmacht Bericht) it appears that the fine of Cruzeiros 8,750,000 (E.M. 1, 145, 250--) imposed on 'A Chimica Bayer Ltd.' in Rio de Janeiro, on account of alleged illegal commercial operations, was based on payments made to the German Embassy there, which was viewed as a violation of the Brazilian Foreign Exchange regulations. The equivalent value is therefore to be registered with the competent Reich Office for the purpose of repayment." (Exh. 827, NI-7656, Book 46, p. 5)

* Compare the discussion under subdivision B, relating to Farben's camouflage measures to conceal its assets abroad and the making available of its foreign exchange to the German Government.

INTELLIGENCE AND ESPIONAGE ACTIVITIES

The evidence establishes that the defendants placed at the disposal of Reich authorities voluntarily and on their own initiative information which was vital to the plans and preparation of the wars of aggression and invasions of other countries; that it worked closely with the intelligence service of the Wehrmacht (the Abwehr) and sponsored and financed institutions in the service of that organization; and after the outbreak of war, it supplied the Wehrmacht with the information it needed to wage each succeeding act of aggression.

Mobilization of the home economy and thorough knowledge of economy abroad became part of the objectives of the Wehrmacht in its program for total war. In November 1937, General Thomas, Chief of the Military Economy Staff in the Wehrmacht, in a speech before the Wehrmacht War College, after pointing out that the National Socialist "revolution" of 1933 made it possible to mobilize the entire economy for war, stated:

"If an economic war is to be successfully waged, the same thorough preparations as made in wartime on the home front are needed. The quicker and more suddenly the economic war starts the greater will be its success. To achieve these results, the leaders of the economic war must know the enemy's economy well and, in particular, must know where the most vulnerable points of the enemy's economy are. We must realize that preparations in this field were not made in the world war nor were the data available to bring quick success to economic warfare. Therefore, it is the task of the Military Economic Staff (Wehrwirtschaftsstab) to make a close study of the economic structure and economic interrelations of our neighboring countries and to find their weakest spots. To be successful in this it is necessary to have an extensive intelligence machine and to cultivate close contact with industry. It will be impossible to obtain the necessary data through espionage alone. The home economy, which in many fields has international relations with the economy of foreign countries, will have to lend its aid." (EC-14, pages 5, 6).

I. G. Farben, with its worldwide network of agencies and representatives, was in a peculiarly good position to obtain information concerning the economic, political and military life of the countries of the world.*

* See Exh. 377, NI-6544, Bk 17, p. 15, which discusses sources of information obtained by I.G.; Exh. 850, NI-8149, Bk 47, pp 1,2.

See also activities of Chemycor, the American company dominated by I.G., re transmittal of Exh. 888, NI-11197, Book 46, p. 36; Exh. 872, NI-7581, Book 47, p. 92; Exh. 873, Exh. 875, Exh. 876, Exh. 877, Exh. 880, Exh. 377, NI-6544.

Farben's Berlin Northwest 7, headed by defendant Ilgner, was the central office through which information was received, analyzed, and channeled to the various Reich authorities. This office included the Economics Research Department (VOWI), the Economic Political Department (WIPO), and the Bureau of the Commercial Committee (BdKA). (Exh. 839, NI-10702; Ex. 46, p. 85). VOWI reports and analyses covered every aspect of world economy including the organic structure of the economy of foreign countries, market and currency observations, foreign trade, raw material supplies and studies of specific industries and firms containing financial structure, production capacity, labor supplies, price data and consumer figures. VOWI reports were regularly distributed to government officials. (Exh. 377, NI-8544, Book 17, p. 3, 15; Exh. 850, NI-8149, Book 47, p. 1, 2; Exh. 851, NI-8414, Book 47, p. 6)*

The staff of General Thomas made full use of the information proffered by I.G. General Biehnermann, who had been in charge of the Military Economic Department of the High Command of the Armed Forces from October 1937 until the middle of 1938, stated that:

"Another of our sources of information was the Economic Department of the I. G. Farbenindustrie A.G. (Volkswirtschaftliche Abteilung). I cannot give the precise date when this cooperation started, because at the time when I took over the Military Economic Department this connection was already in existence and I never learned when it began. The Economics Department of the I. G. cooperated with us by putting their work, such as reports on countries, detailed reports on raw materials, developmental prospects, at our disposal. Since the Economics Department of the I. G. had an excellent and highly qualified staff of collaborators we also addressed to this office inquiries on subjects about which we assumed they were informed. (Inquiries about America's nitrogen production, etc.)" (Exh. 853, NI-9827, Book 47, p. 11).

* See also Exh. 852, NI-5750, Book 47, p. 9, minutes of a meeting of the NW 7 department heads which was attended by the defendant Mann, in which it is indicated that "official authorities, the organization of the NSDAP abroad and similar agencies" who are scheduled to travel abroad obtain information from VOWI on the particular country.

In March of 1939, the defendants established a branch office in Vienna of VOWI. The chief of this branch office stated that one of the factors in selecting Vienna for this was -

"... the fact that Vienna, in view of its historical-political mission and its manifold cultural and economic ties with the nations and countries of Southeast Europe, was undoubtedly the most suitable place in Greater Germany for the economic observation of Southeast Europe, which has become an urgent necessity in view of the present well established southeast direction of Greater Germany's economic policy." (Exh. 846, NI-7367, Book 46, p. 126, 129).

Two weeks prior to the opening of this office, the defendant Gattinoni offered General Gantner, of the Office of Military Economy, the services of the Vienna Branch Office. (Exh. 858, NI-7787, Book 47, p. 39).

The six-month period preceding the attack on Poland was marked by accelerated activity between Farben and the Wehrmacht relating to supplying of information and culminated in an agreement on 25 August 1939 whereby Farben was to turn over the records and archives of VOWI, together with its staff, to the Military Economy Office of the Wehrmacht.* (Exh. 860, NI-7453, Book 47, p. 51; Exh. 861, NI-8463, Book 47, Page 65; Exh. 843, NI-4875, Book 46, Page 99; Exh. 850, NI-8149, Book 47, p. 1, 2.)

* In June 1939 the Military Economy Staff was informed that the records and library of I. G. were at the disposal of the Military Economy Staff at any time. (Exh. 860, supra, p. 59, 62). Negotiations followed concerning a closer cooperation (p. 57). On the 26th of August, the report notes that:

"I. G. made all their archives and printed material available for exploitation and furthermore declared themselves prepared to answer questions put to them, which must be kept as brief and concise as possible." (p. 55).

See Exh. 861, NI-8649, Book 47, p. 65, for a formal statement of the agreement circulated by the Military Economy Staff on August 31, 1939.

Throughout the war years VOWI prepared a continuous stream of important military and economic reports for the Wehrmacht, including location maps for bombing targets.*

The Economic Political Department of Northwest 7 (WIPO) was headed by the defendant Gattinow. This department was organized shortly after the advent of Hitler's rise to power when the defendants hastened to consolidate the position of influence they had achieved with the Nazi Party through their earlier support of Hitler. (Exh. 377, NI-6544, Ek. 17, p. 3.) The main task of WIPO was to act as liaison with the authorities on behalf of I.G. Farben (Exh. 377, supra, at p. 5; Exh. 843, NI-5737, Ek. 46, p. 96). The defendant Gattinow who had been responsible for bringing the Nazis and I.G. Farben together was made chief of WIPO because of his good connections with the Nazi Party.**

* Immediately after the attack on Poland, von der Bey, the Abwehr agent of I.G.'s Bitterfeld Plant, who was also one of the directors, transmitted to the Reich Air Ministry information concerning the location and production capacities of certain aluminum factories in England. The aerial targets were clearly marked in the plans and maps transmitted by von der Bey. (Exh. 884, NI-1147, Ek. 48, p. 29; see also Exh. 857, NI-6652, Ek. 47, p. 37.) See Exh. 657, NI-7859, Ek. 47, p. 74 - a report on the technology of explosives and chemical warfare agents containing an analysis of the production capacities and potentialities of the United States; Exh. 867, NI-9959, Ek. 47, p. 78, a report on the construction of a calcium carbide plant in Great Britain; Exh. 869, NI-7794, Ek. 47, p. 80, a report on the allied poison gas industry and a location map of synthetic rubber plants in the United States; Exh. 870, Ek. 47, NI-7857, p. 86, a report to the OKW transmitting information on the production of explosives in Russia and the United States and nitrogen production in the United States, Great Britain, U.S.S.R. and Japan; Exh. 871, NI-7978, Ek. 47 p. 98; a list of VOWI reports prepared for the OKW from November 1939 to January 1944.

** Gattinow states concerning his appointment as chief of WIPO:

"I was made chief of WIPO because, apart from my knowledge in the field of commercial policy and by reason of my journalistic activity and acquaintance, I had the necessary contacts with the government and the agencies of the Party and thus I could render I.G. good services as liaison man." (Exh. 26, NI-4833, Ek. 46, p. 14.)

The early transmittal of reports and information to Reich officials* and the Intelligence Department of the Wehrmacht was made through the defendant Gattineau. Exh. 840, NI-9512, Bk. 46, p. 89, indicates that:

"Other material for instance that was meant for Bloch (an officer in the Intelligence Department of the Wehrmacht, the Abwehr) was in each case earmarked accordingly by Dr. Gattineau or Dr. Terhaar when distributing the mail. This applied to communications which in principle could be of interest to the OKW." (See also Exh. 841, NI-10558, Bk. 46, p. 94.)

The defendant von der Heyde stated:

"A short time afterwards," (the middle of 1936), "I was requested by my department chief, Dr. Gattineau, to contact Major Bloch. As a result, an arrangement was made shortly afterwards for reports to be passed on in the manner described in paragraph 5. Reports handled by I.G. Berlin NW7 generally passed from the office of the Commercial Committee to the office of Dr. Ilgner; from there, they were generally passed on to me for distribution. I took over the connection with Major Bloch from my department chief Dr. Heinrich Gattineau. I was also requested by Major Bloch to notify him of the presence of any of our foreign sales agents in Berlin. In such instances I used to telephone Major Bloch and he decided whether he wished to see the person concerned. If he did, the respective sales agent had a meeting with Major Bloch. I cannot remember the names of the gentlemen who met Major Bloch in this manner, but I definitely know that this was the usual procedure." (Exh. 164, NI-6658, Bk. 48, p. 68, 70.)**

In 1937 after a trip to South America, Ilgner proposed a program to the Nazi officials, which was approved and endorsed by the Commercial Committee meeting on August 20, 1937, for intensification of exports for carrying out the Four Year Plan which involved an elaborate scheme for procuring information for that purpose. The plan for intensification of export promotion proposed by Ilgner provided for methods and techniques of obtaining complete knowledge of conditions abroad necessary to carry out this program (see item d on p. 48, and p. 63-67). In this document, as in innumerable others introduced by the prosecution, the plan of utilizing Germans living abroad, both German Nationals and those of German descent,

* Exh. 420, NI-8746, Bk. 49, p. 12, 13. Minutes of a meeting of department heads of NW7 notes:

"Gattineau reports about a desire on the part of Herr Keppler (of the Foreign Office) to have the figures compiled by Dr. Neubacher placed at his disposal. As there are no such compilations, Gattineau is to inquire whether Herr Keppler is referring to Dr. Neubacher's reports, and if he wants to have these placed at his disposal."

** The East Asia report by the defendant Ilgner received widespread distribution among the Nazi officials. In addition, a special copy of the report was prepared by Ilgner on the suggestion of a Nazi official, for Hitler. (Exh. 762, NI-1570, Bk. 48, p. 45, 47-48; Exh. 851, NI-8414, Bk. 47, p. .)

for creating a corps of "loyal" workers for the German cause is repeated and set forth. The plan provides among other things for the training of the younger generation of German descent to be employed abroad in order to give that generation a "loyal attitude towards Germany" and to enable them to "serve later as a reliable stock for the representation of German interests abroad." (Exh. 762, NI-1570, Ek. 46, p. 45.) The plan also provided for the concentration and intensification of German banks abroad (p. 67), support to German chambers of commerce abroad, support to German cultural institutions abroad, and support to German newspapers abroad (p. 68).

Farben appointed Verbindungsmaenner abroad and assigned to them the task of making systematic transmittal of information concerning the economic, political, and military life of the countries to which they were assigned, to promoting pro-Nazi sentiment and action in those countries through the press. The Verbindungsmaenner were the key men of I.G. Farben abroad. (Exh. 562, NI-4927, Ek. 46, p. 62; Exh. 773, NI-6701, Ek. 17, p. 33.) It was shortly after the institution of the Verbindungsmaenner system that the Commercial Committee issued the resolution requiring all of its employees abroad to affirm their loyalty to the Nazi cause and to work closely with the Foreign Organization of the Nazi Party (Exh. 363, NI-4989, Ek. 46, p. 5, 9). Many of these men were notoriously involved in propaganda and espionage activities.*

One of the I.G. Farben officials in a report to the Commercial Committee in the fall of 1938 on the South American question pointed out that:

* See Exh. 806, NI-14575, Ek. 44, p. 98, a report by the American Charge d'Affaires in Argentina Foreign Office concerning the activities of German Nationals in Argentina which describes the espionage, propaganda, and other activities on behalf of the Nazi war program of I.G.'s Verbindungsmaenner in Argentina, Heinrich Homann; see also Exh. 914, NI-10922, Ek. 49, p. 50, which is a report by the Embassy of the United States in Buenos Aires to the Secretary of State in Argentina. This report describes in detail the espionage system carried on by the Axis in Argentina and the role played by employees of I.G. Farben who were working directly under the supervision of Heinrich Homann.

"...A further point to be borne in mind in this connection is the need for precautions to prevent our representatives abroad from meeting difficulties resulting from the nature of the questions submitted. Some of them are of delicate nature affecting as they do the interests both from the point of view of policy and war economy, of the countries concerned. As people are getting a little sensitive in this respect, even in Latin America, no documents should be found in the offices of the Verbindungsmänner or their assistants which could possibly hang them or ourselves. This was another point which called for our consideration on the occasion of the May rising in Brazil." (Exh. 808, NI-7984, Ek 45, p. 53, 53c).

The Commercial Committee discussed this report at the meeting which was attended by the defendants von Schnitzler, Haefliger, Ilgner, Oster, Schmitz, Gattineau, Kugler, and Kuehne, and decided:

"In view of the political situation in Latin America, reference is again made to the necessity for extreme caution in correspondence with our agencies." (Ex. 894, NI-6077, Ek. 48, p. 102, 104).

Precautions were taken by the defendants concerning such correspondence (see Ex. 156, NI-1137, Ek 48, p. 106; Ex. 895, NI-4842, Ek. 48, p. 110; Ex. 896, NI-8644, Ek. 48, p. 112)*

Some time in 1936, employees in all of the plants of I.G. Farben were appointed by the Abwehr Office of the German High Command, ** with the consent of the Nazi Party, to act as agents for the Abwehr within I.G. (Abwehrbeauftragte). (Exh. 164, Ek 48, NI-6658, p. 68; see also Exh. 145, NI-4979, Ek 6, p. 51a). The tasks of these agents consisted initially of carrying out the instructions of the Abwehr of the OKW with respect to

* Some indication as to the character of the correspondence is revealed in a memorandum prepared by the German envoy in Argentina which was transmitted to WFO on August 18, 1941, with the request that I.G. influence its agencies to conform. This memorandum requests that caution be displayed in transmitting correspondence overseas from which "any conclusion could be drawn that we intend to stage anything military or to step out of our reserve on the basis of our philosophy of life through meddling in the internal conditions of the individual Spanish American State," and that communications which might be so construed be sent through the foreign Office. (Exh. 897, NI-1130, Ek. 48, p. 118, 118a.)

** The Abwehr was the intelligence and counter-intelligence office of the German High Command (See transcript page 2156).

plant security and counter-intelligence matters (Exh. 377, NI-6544, Bk 17, p. 20; see also Exh. 164, NI-6658, Bk 49, p. 68). The defendant von der Heyde was recommended by the defendant Ilgner as Abwehr agent for Berlin NW 7, and in that capacity, he transmitted reports to Major Bloch and arranged for I. G. representatives traveling from abroad to make oral report to Major Bloch (Exh. 164). Similar arrangements were made throughout other plants and offices for I.G.*

The information transmitted to the Abwehr through I.G. Abwehr agents covered among other things reports concerning ship movements (Exh. 640, NI-9512, Bk 46, p. 39), information concerning the location and production capacity of vital war plants in foreign countries, (Exh. 922, NI-7705, Bk 45, p. 86; Exh. 330, NI-10324, Bk 43, p. 81) information from engineers working in foreign countries concerning the organization and stage of technical development of the armed forces of the particular country in which the engineer was employed (Exh. 921, NI-6515, Bk 45, p. 84), and location maps of vital plants in foreign countries for bombing targets (Exh. 834, NI-1147, Bk 48, p. 29; Exh. 924, NI-1163, Bk 49, p. 62). In the spring of 1940, responsibility for coordinating the Abwehr activities of I.G. agents was given to the defendant Schneider, (Exh. 164, NI-6658, Bk 49, p. 63-70; Exh. 377, NI-6544, Book 17, p. 3, 20, 21).

I. G. maintained and financed several agents abroad who were engaged in espionage and in some cases exclusively for the Abwehr. (Exh. 377, NI-6544, Bk 17, p. 3, 18, 20; Exh. 370, NI-4928, Bk 46, p. 104, 103, 105) I.G. carried on these activities on a large scale in South America. A Bayer Directors' Meeting of 21 October 1943 notes:

"Brazil - Liquidation of German firms"

We have received the information that, under a decree of the State President of Brazil a number of German firms including the Quinica Bayer have been liquidated "on account of espionage", (Ex. 827, Bk 46, NI-7666, p. 5. 2.)

(See also Ex. 606, NI-10575, Bk 44, p. 101, and Ex. 914, NI-10922, Bk 43, P. 50, for further indication of the widespread espionage activities of I.G.'s agents in South America; and Exh 823, NI-11196, Bk 45, p. 179, for indication of I.G.'s espionage activities in China.)

* The defendant Mann stated that he issued instructions for the transmittal of written and oral reports from abroad to the local offices of the Abwehr in Cologne (Exh. 918, Bk 49, NI-8150, p. 60) at the time the Abwehr were appointed in all of the I.G. plants.

Although I.G. placed its own agencies, representatives, and employees in the service of the Abwehr, it was reluctant to hire espionage agents and place them with I.G. agencies abroad for fear of exposure (Ex. 251, NI-5198, Bk 16, p. 157, 159, 167)*

In the Spring of 1940 to meet this problem, I.G. Farben, through the defendant von Schnitzler, who was given this responsibility by the Commercial Committee**, arranged for an organization, known as the Society for Sales Promotion, which was under his control, to act as a cover agency for espionage agents sent to foreign countries by the Abwehr (Ex. 251, NI-5198, Bk 16, p. 157). *** I.G. undertook the initial financing of this organization (Ex. 932, NI-1446, Bk 49, p. 116; Ex. 933, NI-1446, Bk 49, p. 117; Ex. 934, NI-1450, Bk 49, p. 118), and the defendant von Schnitzler aggressively undertook to procure financial support for this organization from other industrialists (Ex. 926, NI-1446, Bk 49, p. 100).

The espionage and intelligence services which the defendants provided the Abwehr were gratefully acknowledged by Bloch and his superior Colonel Pickenbrock on the occasion of their transfer to the front in 1943. (Ex. 941, NI-7637, Bk 49, p. 143).

* See also Ex. 927, NI-7626, Bk 47, p. 102, which is a letter from von der Heyde in his capacity as Abwehr agent to Schnitzler in March 1940 in which he requests Schnitzler to obtain I.G.'s cooperation in the matter of placing Abwehr people in I.G. agencies abroad. In reply, Schnitzler points to the danger of I.G. in the case of exposure and recommends using the Society for Sales Promotion (Ex. 926, NI-3804, Bk 49, p. 104). In spite of this reluctance, I.G. did make some effort to place espionage agents with its agencies abroad. (Ex. 926, NI-1322, Bk 49, p. 128).

** At the Commercial Committee meeting on 17 April 1940, attended by the defendants Schnitzler, Haefliger, Ilgner, Eugler, Mann and Oster, von der Heyde reported on the question of placing Abwehr people in the I.G. agencies abroad. The Commercial Committee deputized von Schnitzler with the assistance of von der Heyde to take care of the problem. (Ex. 929, NI-5950, Bk 49, p. 105; see also Ex. 930, NI-1447, Bk 49, p. 107 containing further discussion of this question by the Commercial Committee; Ex. 931, NI-5951, Bk 49, p. 108).

*** The defendant Schnitzler stated that this firm was used by Major Bloch to obtain information out of enemy and neutral countries and that men on special missions were sent under cover of this association (Ex. 251, p. 168).

Joachim von Puttkamer, an official of the Society for Sales Promotion went on a special mission to Shanghai for the Society (Ex. 241, NI-5198, Bk 16, p. 157). While in China he corresponded with Schnitzler apparently transmitting reports to him (Ex. 936, NI-1500, Bk 49, p. 130). Puttkamer, who remained in Shanghai throughout the war, was chief of Nazi propaganda activities in China and also carried on espionage activity (Ex. 937, NI-1333, Bk 49, p. 132; Ex. 939, NI-11334, Bk 49, p. 138). I.G. Farben's agents and employees in China participated freely in espionage and propaganda activities there (Ex. 823, NI-11196, Bk 45, p. 179).

H. Protecting Farben's Empire and Expanding it Through Plunder and Slavery as Part of the Preparation for and Waging of Aggressive Wars and Invasions.

Beginning in 1938 and with the approach of each new aggression Farben not only intensified its activities in the fields already discussed, but took steps to protect its foreign empire and to expand it through plunder and slavery. The steps which Farben took in furtherance of its own policy of aggrandizement also constituted an integral and vital part of carrying out the Nazi policy of aggrandizement. Thus the protection of Farben's foreign empire through the camouflaging of its assets abroad made foreign currency available to the Reich and enabled Germany to use these cloaked assets in furtherance of the war effort for the purpose of acquiring strategic materials abroad and for financing propaganda, intelligence and espionage activities throughout the world. The activities of Farben in plundering the European continent and acquiring the chemical industries of the invaded countries not only expanded the Farben empire but also was done in furtherance of the government program of integrating these industries into the German economy and using the resources of the conquered countries in waging each aggression and preparing for the next. The use of slave labor by Farben also has this double aspect. It not only enabled Farben to erect new plants and make huge profits, by increasing production, but the very erection of such plants and the increase of such production constituted a vital part of the preparation for and the waging of aggressions.

In July or August of 1938, the legal division of Farben seriously considered what steps had to be taken to safeguard its assets abroad against the consequences of war. (Testimony of Euepper, Tr. p. 2907-2908; 2929; Exh. 1022, NI-4923, Bk 50, p. 17, Tr. p. 2423). This was at the time when "the dark clouds of the Sudeten crisis already appeared over the horizon" (Tr. p. 2908). There "was a general feeling of the darkening of the general political situation and the general talk not only was in Farben, but in the whole German population, about the possibility of war: the kind of war - that was not discussed." (Tr. p. 2908). Immediately after the German troops occupied Bohemia and Moravia in Czechoslovakia, on March 15, 1939, Farben's legal committee met on March 17 and made specific recommendations as to the legal steps necessary to camouflage its assets abroad so as to prevent seizure in the event of war. (Exh. 1020, NI-2796,

Bk 50, p. 1). Thereafter, Farben, in a series of letters addressed to the Reich Ministry of Economics (June thru August, 1939) advised that office that after the September 1938 crisis, Farben had reexamined its foreign organization in "consideration of the possibility of European conflicts" (Exh. 1023, NI-5769, Bk 50, p. 25, Tr. p. 2432) and informed the Reich Ministry of Economics that they proposed to safeguard their foreign organization in the event of political complications and to sever I.G.'s connections with such foreign organizations only "from the legal point of view" (Exh. 1023, supra; Exh. 1024, NI-8496, Bk. 50, p. 29)*

The camouflage measures were a part of the official government policy for the preparation and waging of war (Exh. 1026, NI-6121, Bk 50, p 41, Tr. p. 2435-36). Farben discussed its camouflage measures with the Reich Ministry of Economics and made available to the Reich "the hard foreign currency". (Tr. p. 2926-27).

A special feature of Farben's camouflage activities related to protecting its assets in the U.S. in anticipation of the U.S. entering the war against Germany. (Exh. 1028, NI-5773, Bk 50, p. 49, Tr. p. 2440). Accordingly, Farben advised the German governmental agencies of their intention to transfer their interests in the General Aniline and Film Company, and pointed to the "political economic consideration" involved. (Exh. 1032, NI-5772, Bk 50, p. 61, Tr. p. 2443; Exh. 1039, NI-5770, Bk 50, p. 51, Tr. p. 2440; Exh. 1030, NI-5766, Bk 50, p. 64, Tr. p. 2441; Exh. 1031, NI-5771, Bk 50, Tr. p. 2443). In seeking approval of its action, Farben pointed out to the government agencies that its actions should be kept secret and that it was taken "in view of the possibility of war suddenly breaking out between Germany and the U.S.", and that I.G.'s interests might be threatened. (Exh. 1034, NI-5767, Bk 50, p 66, Tr. P. 2444).

* This idea severance of I.G. from its foreign organization was only one of form and not of substance, appears from Exh. 1025, NI-7078, Bk. 50, p. 27, Tr. p. 2435, where Farben writing to the Reich Ministry of Economics in August 1939 stated:

"We declare moreover that the decisive real influence we shall have on the foreign sales companies even after carrying out of new measures (of camouflage) will be sufficient in every respect to answer the requirements of the governmental and party authorities with regard to personnel and political questions."

Beginning with the invasion of Austria in March 1938, Farben made representations to the German authorities that it would take over the chemical industry of Austria and operate it "within the framework of the Four Year Plan". (Exh. 1040, NI-4024, Bk. 51, p. 3). This was on April 9, 1938. Also in April 1938, Farben sounded out State Secretary Koppler on what the official attitude of the German authorities would be as to Farben taking over the enterprises in Sudeten Czechoslovakia (Exh. 1072, NI-3981, Bk 54, p. 1 to 2). The story of Farben's activities in taking over the chemical industries in Austria and Czechoslovakia and integrating their production with the war production program of the Reich is told in Part II.

The desire for conquest and dominance on the part of Farben is vividly set forth in its plans for the "New Order". Immediately after the fall of France in May 1940, Farben set forth its blueprints for taking over the chemical and pharmaceutical industries of Europe and to control and dominate its production in the interests of (1) extending the military might of Germany, and (2) of subjugating the economy of the continent to the German economy. (Exh. 1051, NI-11253, Bk 51, p. 155).

The new order was planned "not only in regard to the countries still at war with Germany but also in regard to those countries which were allied with Germany or which were still neutral." (Exh. 1049, NI-4897, Bk 51, p. 130). It was definitely directed at pitting a new Europe under German leadership against the countries of North America. (Exh. 1051, supra.) By neutralizing the control of patents in Germany they intended to control the economy of the continent. (Exh. 1050, NI-4695, Bk 51, pp 140 149, Tr. p. 2471). Through Cartels and capital investment control in other countries, Farben and Germany intended to limit new production facilities (Exh. 1051, supra, p. 156, Tr. p. 2474); by a licensing system and special tariffs, to control the flow of specialized goods between the countries; and one of the purposes of such control was to enable Germany "to determine whether secret rearmament was going on" (Exh. 1051, supra, p. 182, Tr. p. 2480). With respect to France, they particularized in detail the kinds of plants and raw materials which should be limited because they were "important for armament".* (Exh. 1051, supra, p. 183, Tr. p. 2481).

*The secret plans for the distribution of the production under the New Order were destroyed by Farben (Exh. 661, NI-9126, Tr. p. 1060-7).

Finally, while waging war, Farben joined with the "tasks for the development of the New Order in the world with which Japan and Germany are faced" and assigned in January of 1945, the Hydrogenation process to the Japan Imperial Army (Exh. 1055, NI-6925, Bk 51, Tr. p. 3489).

What Farben attempted and actually accomplished in taking over the chemical industry of Europe is set forth in Part II. It is the position of the prosecution that the activities of Farben in connection with both spoliation and slave labor constituted an integral part of the preparation for and waging of aggressive wars and invasions. Accordingly, Part II and Part III of this brief, as well as Part I, are to be considered in connection with the charge of Crimes against Peace.

STATE OF MIND

We have reviewed the evidence relating to the participation by these defendants in furthering the military power of Germany after Hitler's rise to power. The evidence shows that the activities for which these defendants are responsible were indispensable to the waging of the war by Germany. Except for these activities there would have been no World War II. The remaining question is the state of mind with which the defendants engaged in these activities.

In discussing this question we should take note that, as distinguished from most criminal cases in which the period of time involved is relatively short (sometimes a matter of hours or even minutes), in this case the period involved is over 12 years. During this time the defendants not only bore substantial responsibility for activities vital to preparing Germany for conquest, but with each succeeding step in the program of conquest they intensified their efforts while reaping the rewards and the spoils.

It seems totally unnecessary to discuss at this point the state of mind of these defendants after 1 September 1939. That they knew after that date that the military power which they were furthering was being used and would continue to be used to take from the peoples of other countries their land, their property, and their personal freedoms appears to be beyond question. Accordingly we will concentrate our discussion at this point on the period from 1933 to 1939. In this connection we should keep in mind that the period following the conquest of Austria on 12 March 1938, which covers the conquest of the Sudetenland, on 1 October 1938, and Bohemia and Moravia on 15 March 1939, was a period of actual aggression as well as preparation for further aggressions.

The evidence concerning the activities of these defendants from 1933 to 1939 taken alone without any consideration of the political events which everyone knew were occurring in Germany during that period establishes that the defendants knew that they were preparing Germany for war which was inevitable or at least highly probable. The question might then be asked whether the

defendants could have believed the preparation for war was for defensive or aggressive purposes. Even if these activities were viewed without any reference to the political events, it is difficult to see how the defendants could have believed the preparation was for defensive purposes. A country desiring merely to defend itself does not deprive its people of peacetime goods and pleasures over a period of years in order to build up a war machine far exceeding that of its neighbors.* And the efforts to weaken other countries through the use of international cartels and through propaganda, intelligence and espionage activities can hardly be regarded under the circumstances as defensive. But, however this may be, all of these activities did not occur in a vacuum. When viewed in the light of the political events occurring during that period there can be no doubt as to the state of mind of these defendants. The events we have already reviewed, taken together with the events occurring in Germany during this period, establish beyond a reasonable doubt that the defendants knew that the military machine they were building up would be used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property and their personal freedoms.

On the basis of the evidence which has been reviewed up to this point, the prosecution could rest and merely ask that the Court weigh this evidence in the light of the facts that have already been determined by the International Military Tribunal as to what occurred in Germany during this same period. However, we believe that it would be helpful to highlight at this point certain events which occurred during the period beginning with 1932 and which have a special bearing on the state of mind with which the defendants engaged in these activities.

* See Exh. 40, HI-5196, Affidavit of von Schnitzler, Ek 1, at p 76; Testimony of Paul Otto Schmidt, transcript pp 1543, 19544, 1550, 1599. The meaning of Goering's slogan "guns for butter" was clear to everyone.

Program and Aims of the Hitler Movement

The program of the Nazi Party had been hammered into the heads of the Germans again and again since the early 1920's. This program was, as it stated

"The political foundation of the NSDAP and, accordingly, the primary political law of the State."

The first three points of the program were:

Point 1. We demand the unification of all Germans in the Greater Germany, on the basis of the right of self-determination of peoples.

Point 2. We demand equality of rights for the German people in respect to the other nations; abrogation of the peace treaties of Versailles and Saint Germain.

Point 3. We demand land and territory for the sustenance of our people, and the colonization of our surplus population. (Exh. 4, PS-1708, Program of the NSDAP, Bk 1, p 22).

The meaning of these three points of the Nazi program are explained in the judgment of the International Military Tribunal (pp 175, 186-187) as follows:

"The demand for the unification of all Germans in the Greater Germany was to play a large part in the events preceeding the seizure of Austria and Czechoslovakia; the abrogation of the Treaty of Versailles was to become a decisive motive in attempting to justify the policy of the German Government; the demand for land was to be the justification for the acquisition of "living space" at the expense of other nations;"

"For the aggressive designs of the Nazi Government were not accidents arising out of the immediate political situation in Europe and the world; they were a deliberate and essential part of Nazi foreign policy."

"From the beginning, the National Socialist movement claimed that its object was to unite the German people in the consciousness of their mission and destiny, based on inherent qualities of race, and under the guidance of the Führer."

"For its achievement, two things were deemed to be essential: the disruption of the European order as it had existed since the Treaty of Versailles, and the creation of a Greater Germany beyond the frontiers of 1914. This necessarily involved the seizure of foreign territories."

"War was seen to be inevitable, or at the very least highly probable, if these purposes were to be accomplished."

These points were elaborated in Hitler's "Mein Kampf", the leading principles of which were not changed for about two decades. As the International Military Tribunal held (page 187):

"In Mein Kampf Hitler had made this view quite plain. It must be remembered that Mein Kampf was no more private diary in which the secret thoughts of Hitler were set down. Its contents were rather proclaimed from the house tops. It was used in the schools and Universities and among the Hitler Youth, in the SS and the SA, and among the German people generally, even down to the presentation of an official copy to all newly-married people. By the year 1945 over 6½ million copies had been circulated. The general contents were well known. Over and over again Hitler asserted his belief in the necessity of force as the means of solving international problems, as in the following quotation:

'The soil on which we now live was not a gift bestowed by Heaven on our forefathers. They had to conquer it by risking their lives. So also in the future, our people will not obtain territory, and therewith the means of existence as a favor from any other people, but will have to win it by the power of a triumphant sword.'

Mein Kampf contains many such passages, and the extolling of force as an instrument of foreign policy is openly proclaimed."

If there is one reproach this criminal regime established in Germany in 1933 does not deserve it is that of having concealed their true aims or having deceived anybody as to their creed that brutal force is the guiding and supreme principle of their entire policy.

As to the Nazi claim for "Lebensraum", Mein Kampf stated:

"If this earth really has space for all to live, then we should be given the territory necessary for us to live."

And also:

"Accordingly the sole possibility of Germany to carry out a healthy territorial policy consisted in acquiring new territory in Europe itself";

or:

"...oppressed countries are led back into the lap of a common Reich by a mighty sword and not by flaming protests.

It is the task of the inner political leaders of a people to forge this sword; to safeguard the work of the smith and to seek comrades in arms in the task of the foreign policy."

That the use of force would be necessary and resorted to also appears quite clearly from other passages of "Mein Kampf":

"...we, National Socialists, have to hold on steadily to our foreign political goals, namely, to secure on this earth the territory due to the German people. And this action is the only one which will make bloody sacrifice before God and our German posterity appear justified." (Exh. 5, PS-2760A, Excerpts from Hitler's "Mein Kampf", Bk 1, p 25).

Not only the aim for "Lebensraum" was stressed in Hitler's "Mein Kampf", but also Hitler's theory of dominating inferior races which led later on to the extermination of other races and nations.

"Had it not been possible for them to make use of people of inferior race, the Aryans would never have been able to take the first steps towards their subsequent culture; just as, without the help of certain suitable animals which they were able to tame, the technical achievements, which have now enabled them gradually to dispense with these same animals, would never have been possible."....

"The presence of inferior peoples constituted one of the most essential prerequisites for the establishment of higher cultures." (Exh. 1496, PG-2760B, Excerpts from Hitler's "Mein Kampf", Bk. 1, p. 29).

Concerning the common knowledge in Germany of Hitler's program, the witness Paul Otto Schmidt said in his affidavit of 3 July 1947:

"The above and many other points of the Nazi platform were continuously repeated by the party's propaganda machine. Nobody in Germany could possibly overlook them, whether he had read "Mein Kampf" or not. They were daily and almost hourly proclaimed in speeches, over the radio, in films; the newspapers were full of them, the walls of the cities were plastered with posters extolling their virtues, and publications ranging from the one-paged leaflet being distributed from door to door or on the street corners to the most elaborate volumes were in circulation. Whatever doubt a person may have had during the time before the seizure of power with regard to the ultimate aims of the NSDAP or the methods by which it proposed to fulfill them, was dispelled by an intelligent observation of the methods of violence the party used originally in electioneering and subsequently in fortifying its dictatorial powers." (Exh. 10, NI-7755, Ex 1, p 48).

1932 - 1935

The first acts of Hitler after he was appointed Chancellor on 30 January 1933 were enough to put any person in Germany, who might have had any lingering doubts that Hitler did not mean what he said in Mein Kampf and in the Nazi program, on notice that he meant what he said and was determined to carry it out. The defendants in this instance, as in most instances, had special knowledge that this was true. The speech of Hitler at the famous meeting in Goering's house on 20 February 1933, attended by von Schnitzler, showed clearly that Hitler was determined to use force to carry out his program. (Exh. 37, D-203, Bk. 3, p. 64). After von Schnitzler had reported on this meeting to other Farben officials (Exh. 36, EC-439, Bk. 3, p. 62), Farben contributed to Hitler's campaign the largest single contribution made by any of the firms represented at the meeting: RM 400,000. The payment was made on 27 February 1933. (Exh. 56, NI-391, Bk. 3, p. 112). The next day the Reichstag building was set on fire and Hitler and his cabinet, using the fire as a pretext, promulgated a decree suspending the constitutional guarantees of freedom. By this decree, certain sections of the German constitution were indefinitely suspended and

"....restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic and telephonic communications, and warrants for house-searches, orders for confiscation as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed." (Exh. 63, 1390-PS, Bk. 3, p. 136).

The decisive election was held with the constitutional guarantees in a state of suspension one week later; the Nazi party received seventeen million votes out of thirty nine million cast, and 288 Reichstag seats out of a total of 647. Still lacking a majority, Hitler applied the "other methods" he had threatened to use in the speech which

von Schnitzler had heard on the 20th of February. Opposition members in the Reichstag were taken into "protective custody" and in their enforced absence the Reichstag on 24 March 1933 passed the Enabling Act which gave Hitler full legislative power, including the power to deviate from the constitution. (Exh. 65, 2001-PS, Bk. 3, p. 141). Thus perished democracy and liberty in Germany: The Third Reich had come to stay for twelve long and terrible years. In April 1933, Hermann Goering founded the Gestapo. In that same month, the Reich Association of German Industry, of which Carl Duisberg was a founder and Farben a member, submitted to Hitler a plan for the reorganization of German industry according to the "Fuehrerprinzip" or "leadership principle". In July 1933, a law was passed declaring the NSDAP to be the only political party, and making it criminal to maintain or form any other political party. Three days earlier, representatives of the DuPont Company of Delaware met with Carl Bosch, then chairman of the Farben Vorstand, who told them that (Exh. 57, NI-9784, Bk. 3, p. 115):

"Just now it is a question of Fascism and Bolshevism, and industry must support the present government to prevent further chaos. In the beginning, Hitler did not consult industrial leaders, but in recent weeks he has shown his stability by curbing the more extreme elements of the party and bringing the industrial leaders into consultation with him."

What Farben regarded as "stability" and what is preferred to "chaos" more clearly emerged during the remaining months of 1933. The grip of tyranny grew tighter. The independence of the judiciary was fatally undermined, special political courts were established, and the concentration camp made its appearance. Jews were eliminated from the civil service and otherwise persecuted, the trade unions were strangled and the Hitler Youth was organized on military lines. Joseph Goebbels established the Ministry of Peoples' Enlightenment and Propaganda to insure distortion and suppression of the truth. Within Goebbels' Ministry, Walther Funk established

a "Publicity Board of the German Economy", on which the defendants von Schickler, Mann and Gattineau were pleased to serve. (See subdivision G, supra). Germany withdrew from the International Disarmament Conference and from the League of Nations. Germany's foreign policy was "ratified" by a so-called "election" in November, 1933. At the same "election", the defendant Schmitz, as a Nazi nominee, was elected to the Reichstag. (Exh. 315, NI-5029, Bk. 11, p. 180).

On the political front, as we have seen, Farben supported Hitler and the Nazi Party wholeheartedly and energetically throughout these months, when concentration camps were being established and one tyrannical decree after another was being issued from Berlin. In April 1933, the defendant Kuehne exhorted all his employees to participate in the May Day Rally stating that "the main issue is that, on this day of all, Germany should stand behind its government." (Exh. 82, NI-6960, Bk. 4, p. 79). In May a circular was issued to all Farben plants stating that the management would "welcome suitable representation of National Socialist aims within the National Socialism factory cell organizations." (Exh. 83, NI-1091, Bk. 3, p. 80). In June a Farben committee determined that it should be a matter of course in engaging new people to give preference to members of "semi-military organizations" with obvious reference to the SS, SA and other uniformed gangs. (Exh. 84, NI-4884, Bk. 4, p. 81).

Hitler's viewpoint abroad paralleled its outlook at home. So did Farben's. Hitler's brutal dictatorship, and in particular the anti-Semitic outrages of the Third Reich, caused public opinion to react violently in other countries, especially in the United States. Spontaneous boycotts of German goods injured German trade. Some of Farben's foreign

agents endeavored to persuade the Vorstand to use its influence to soften the anti-Jewish policies, in the interests of Farben's export trade. But Farben was playing for bigger stakes, and its reaction to the American boycott was the launching of a vigorous and insidious propaganda campaign which would have done credit to Goebbels himself. They retained a well-known public relations expert, Ivy-Lee, to devise methods for countering a boycott and organizing pro-German propaganda. Farben's pharmaceutical Salco Combinc, headed by the defendant Mann, had extensive connections in the United States, and at the end of 1933 it distributed a circular letter to its American representatives, which contained the following (Exh. 782, NI-10267, Bk. 44, p. 89):

".....We are particularly desirous of describing to you in detail the actual conditions as they prevail under the new National Socialist Government in Germany; we wish to express the hope that this report will supply you with important data, enabling you to continue to assist us in our struggle for the German conception of law. We ask you expressly, in connection with your collaborators and your personnel, to make use of these data in our manner which appears appropriate to you, to the end that all co-workers in our pharmaceutical business become familiar with these general, economic and political conceptions.

* * * * *

Within Germany, the Reichstag fire gave the signal for the fight against Communists and Marxists, who, in armed revolt, were intent upon bringing Germany again to the brink of the abyss. The Government stepped in and cleaned the country with an iron hand. Peace and quiet was established....

* * * * *

Achievement, not connection and party membership, was the means of securing office; order and honesty again became the guiding principles in German public life."

On 20 January 1934, the Fuehrer principle was introduced in labor. On 26 January, Hitler signed a non-aggression pact with Poland which lulled this country into security. On 27 February, Hitler directed the Reich Minister of Economics to prepare "the organic structure of

the German Economy by reorganizing the economic group" which represented the various branches of German economic and industrial life. (Exh. 71, NI-100, Bk. 4, p. 77). On 27 November, Schacht, as the acting Minister of Economics, issued a decree, the practical effect of which was to give the Reichsgruppe Industrie (Reich Group Industry), governmental powers in the planning of German mobilization for war.* (Exh. 72, NI-10545, Bk. 4).

In 1934 decisive rearmament measures were taken by the German government, measures which were summarized in a report submitted by Ministry of Economics titled, "Progress of Work for Economic Mobilization". The report begins: "With the foundation of the Reich Defense Council and of its permanent committee, the Reich Ministry of Economics has been charged with the job of economic preparation for war." (Exh. 716, EC-128, Bk. 38, p. 94). This report assigned to Farben an important role in Germany's economic preparation for war. It shows that Farben had willingly accepted its tasks within the elaborate program of stockpiling strategic products, building shadow factories and transfer of production to strategically safe central Germany. (Exh. 716, supra).

* These Economic Groups, on behalf of the German High Command prepared Germany's industrial mobilization plans in conjunction with the various industries. In the Reich Group Industry, the defendant SCHMITZ was a member of the Engerer Beirat (Advisory Council). The defendants SCHMITZ, VON SCHNITZLER and JAEHNE were members of the Grosser Beirat (Greater Advisory Council). Farben was represented on all of the Group's important committees. In the Economic Group Chemical Industry, VON SCHNITZLER was deputy chairman and member of the Engerer Beirat (Advisory Council). The defendant TER MEER was a member of the Praesidium. The Group was subdivided into "Fachgruppen (sub-groups), many of which were directed by Farben officials, including the defendants, WURSTER, OSTER, VON SCHNITZLER, AMBROS and others. (See Exh. 496 through 509, Book 24).

By 1934, Farben had worked out detailed plans for defending their plants against air raids. I. G. Farben engineers and such high Wehrmacht officers as Generals Miloh and Thomas jointly planned and supervised the air raid maneuvers. All the important Farben plants engaged in these maneuvers which were called "war games" (Kriegsspiele).*

As before, Farben did not neglect the political aspects of the Nazi program. In January 1934, the Bayer directors at Leverkusen approved a resolution to send propaganda mail to 16,000 physicians abroad including the text of Hitler's speech to the Reichstag about the German people's readiness for peace (Exh. 783, NI-8420, Bk. 44, p. 93). On 27 February 1934, at a meeting of the Board of Directors of Bayer at which the defendant Mann presided, the following directive was issued:

"It has to be demanded of our representatives and agents abroad respectively that they refrain from any political activity against the German Reich. At the next possible opportunity the gentlemen are to be pledged accordingly." (Exh. 786, NI-8422, Bk. 44, p. 96).

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- * In the words of a Farben official: "They were set up the following way--on a map of a particular plant, an umpire marked the points where bombs of a certain weight were supposed to have been dropped by the attacking air force. The Works Management which operated in an air raid shelter ascertained the imaginary damage done by the bombs and figured out what length of time parts of the plant had been put out of operation. The management itself also ascertained within which period of time the damage could be repaired.

"At the conclusion of each 'Plan-Spiel' it was discussed between the I. G. representatives and the military which measures could be taken by I. G. to afford additional protection from the air to the particular plant. It was as a result of one of these discussions that the gasoline production in the I. G. plant Leuna was split up in 5 or 6 different units which would work independently of each other in case one of them was hit by a bomb. As far as I remember I. G. Farben spent an amount of several million marks in order to effect the necessary changes.

"Such 'Plan-Spiele' were held in Leuna, Ludwigshafen-Oppau and Leverkusen. They were always held in the presence of a number of high-ranking officers of the Luftwaffe, artillery and infantry and representatives of various authorities." (Exh. 102, NI-8321, Bk. 5, p. 92).

Military preparations in Germany were intensified in 1935. In March of that year Goering publicly announced that Germany was building a military air force. During the same month, compulsory military service was instituted at a peacetime strength of 500,000 men. In May, Hitler publicly renounced the disarmament clauses of the Versailles Treaty. The secret Reich Defense Law was passed defining in detail the powers and duties of the Chancellor and the other ministers should Germany become involved in war. Of this, the International Military Tribunal said (IMT judgment at p. 184):

"It is clear from this law that by May of 1935, Hitler and his government had arrived at the stage in the carrying out of their policies when it was necessary for them to have in existence the requisite machinery for the administration and government of Germany in the event of their policy leading to war. At the same time that this preparation of the German economy for war was being carried out, the German armed forces themselves were preparing for a rebuilding of Germany's armed strength."

1935 was the year that the Vermittlungsstelle W was established (see pp 15-16) because "conferences and discussions with various military offices and authorities in Berlin became more and more numerous and urgent. (Exh. 99, NI-2747, Book 5, p. 77).

In July 1935 General Milch, State Secretary for Aviation, visited the I. G. Farben plants at Oppau and Ludwigshafen. The visit brought General Milch and defendant Krauch close together. In his letter to Krauch of 23 July 1935, of which Krauch sent a copy to defendant Schmitz (Exh. 138, NI-4718, Bk. 6, p. 16), Milch stated that he had "immediately informed General Goering" of his visit to Oppau and that Goering also "is particularly interested in questions of this nature." He announced Goering's plan to invite Krauch "for a leisurely visit to Karinhall, in order that he too can discuss with you the long-range viewpoints." Krauch accepted. (Exh. 138, supra). He also suggested "the provisional appointment of

our (Farben's) Dr. Ritter as liaison officer to your C-Office (Procurement Office in the Reich Air Ministry)."

Farben, in 1935, had already acquired a corner on the synthetic gasoline and lubricating oil business in Germany. The defendants Ter Meer and Ambros sought a similar foothold in synthetic rubber production. In January 1935, the Army Ordnance Office visited Farben's Leverkusen plant in an effort to speed up work on synthetic tires so that the military officials might decide whether to concentrate on the synthetic program and its expansion or on the stockpiling of natural rubber. According to the Army Ordnance representative, "the production of synthetic rubber is no longer a question of foreign exchange, but has become a question of military policy in which, though it is dealt with in close contact with Hennesfaher, the requirements of the Wehrmacht will, however, be decisive." (Exh. 547, NI-7241, Bk. 28, p. 21).

In 1935, with Hitler's renunciation of the Treaty of Versailles and the promulgation of the Reich Defense Law which the International Military Tribunal said marked the stage when Hitler considered it necessary to set up the requisite machinery for preparing Germany for war, Farben intensified its explosives production program. Numerous conferences were held at the Ministry of Economics on diglycol, other explosives ingredients and on explosives stabilizers. (pp. 29, 31, supra.)

Any intelligent man in Germany must have realized, from the very moment of Hitler's seizure of power, that the Third Reich was headed inevitably toward war. Many forewarned and warned. But, making every allowance for human credulity and indifference, the conclusion is inescapable that, long before the attack on Poland and well in advance of the Austrian and Czechoslovakian invasions, all highly placed officials of the Third Reich, and influential men who did business with them and had access to official information and opinion, must have known that the Nazi program of aggrandizement would be carried out even if it meant war, although they may not have known just when or how it would first break out. And there is much evidence to suggest that the latest year in which such a conclusion must have forced itself upon the minds of such men is the year 1936.

In March 1936, German troops occupied the demilitarized zone of the Rhineland. This altered the military situation very fundamentally. It was the first time since 1918 that German troops, on German initiative, had marched to settle an international political issue by force.

1936 found Hjalmar Schacht, who had been the leading figure in organizing the German economy for war, beginning to lose his influence because he opposed the enormous program for synthetics. As the International Military Tribunal found:*

Schacht, by April 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when, on 16 October 1936, Goering was appointed Plenipotentiary for the Four Year Plan with the task of putting "the entire economy in a state of readiness for war" within four years. Schacht had opposed the announcement of this plan and the appointment of Goering to head it, and it is clear that Hitler's action represented a decision that Schacht's economic policies were too conservative for the drastic rearmament policy which Hitler wanted to put into effect.

After Goering's appointment, Schacht and Goering promptly became embroiled in a series of disputes.... As a result of this dispute and of a bitter argument in which Hitler accused Schacht of upsetting his plans by his financial methods, Schacht went on leave of absence from the Ministry of Economics on 5 September 1937, and resigned as Minister of Economics and as Plenipotentiary General for War Economy on 16 November 1937.

* Judgment of the International Military Tribunal, Vol. 1, Trial of the Major War Criminals, pp 307-08.

The importance of the issue involved in this clash between Goering and Schacht can hardly be overstated. The International Military Tribunal found that:*

Schacht, as early as 1936, began to advocate a limitation of the rearmament program for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war.

As between Goering and Schacht, and on the issues at stake between them, there was no question where Farben stood. Despite Schacht's position as Plenipotentiary General for War Economy, the contrasts between Farben and Schacht had been conspicuously few. On the other hand, as we have seen, Farben's relationships with Goering's Air Ministry and with his Deputy, Milch, began immediately after the seizure of power, and steadily grew closer. For years Farben had been staking its future on synthetic products, particularly gasoline and rubber, and Goering was the great protagonist of a "greatly expanded program for the production of synthetic raw materials which was opposed by Schacht."**

At Goering's crucial meeting, on 26 May 1936, attended by the defendant Schmitz (see p 19 supra), Goering emphasized that, once at war, Germany would be cut off from all oil imports; that since a mechanized army and navy was dependent on oil, the waging of war hinged entirely on the solution of the oil problem. Goering also declared that "rubber is our weakest point". Every subject, including oil and rubber, was discussed at the meeting in the light of military requirements for waging war. Farben's first plant for the large scale production of synthetic rubber was built in 1936 at Schkopau. (See p 35, 36 supra).

The Four Year Plan announced in 1936 (see pp. 19-25, supra) was the voice of Hitler but the task was Farben's. Thereafter, there was no longer any doubt; Germany was heading for war at express train speed. In December 1936 in Hitler's presence, Goering made the speech in the Preussenhof in Berlin concerning the Four Year Plan (see p 20, supra), at which Bosch and the defendants Krauch and von Schnitzler (who reported to Farben) heard him make clear the intention and decision of the Nazi government to wage war: "If we win, business will be sufficiently compensated."*** "All that is lacking is the actual shooting."

* Judgment of the IMT, Vol. I, Trial of the Major War Criminals, p 309.

** Id., p 307

*** Exh. 421, HI-051, Bk 20, p 9.

Security requirements, already stringent, were drawn even tighter. How clearly these security requirements foreshadowed war is illustrated by a directive issued by Vermittlungsstelle W in December 1936, relating to war materials, explosives, chemical warfare material, fuels and lubricants of special types, and other strategic products. The directive stated: (Exh. 144, EO-223, Ek 6, p 46)

"The keeping secret of new methods in the above mentioned fields is necessary in any case, if either completely new, up to now unknown materials are produced, or if already-known products can be manufactured in considerably improved quality. Furthermore, a new method could be subject to secrecy if through it the self-sufficient military economic power of a possible enemy in case of war were considerably improved; i.e. if an existing lack of raw material for the production of a war-important product in the country concerned is removed by the new methods."

Farben's outposts abroad became increasingly a network for propaganda and espionage. In 1936, the defendant Ilgner made an extended tour of inspection of the Farben organizations in Latin America, and re-organized the work of Farben's Verbindungsmänner (liaison men). From then on, they were to submit monthly reports pertaining to economic, political and military matters. (see subdivision "G", supra).

1936 was indeed a fateful year. According to the defendant von Schnitzler (Exh. 18, NI-5197, p 23, Ek 2, p 67).

....with the increased tempo after 1936, the Wehrmacht became the predominant factor in the whole picture. After 1934, a strong movement for investments in our plants for commodities of decisive military importance became more and more pronounced with the main objective of increasing the military potential of Germany. At first autarchic principles to make Germany independent of importation from abroad were one of the leading objectives. After 1936, the movement took on an entirely military character and military reasons stood in the foreground. Hand-in-hand with this, the relations between I.G. and the Wehrmacht became more and more intimate and a continuous union between I.G. officials on the one side and the Wehrmacht representatives on the other side was the consequence of it.

For German industry, 1937 was the year of mobilization plans. The Vermittlungsstelle W was the channel between Farben and the Ministries of War and Economics for the preparation of mobilization plans at Farben plants. In January, the defendant Kuehne conducted so-called "tactical exercises" or "war games" at his Leverkusen plant, following which the Vermittlungsstelle W wrote him: (Exh. 186, NI-4628, Sk. 7, p. 58):

"In connection with the tactical exercises, we had already discussed with you the formulation of plans for Leverkusen which are being commenced. In preparation for this, we should very much like to receive a list in which the individual departments of Leverkusen are listed and clearly designated. This list should differentiate between the following three sections:

- (1) Plants which must be on a full production basis in A-Fall.
- (2) Plants (intermediates and final processing (which will only operate on a limited scale.
- (3) Plants for which it can already be determined that they will not run during the war."

By the middle of 1937 all of the Farben plants had been fully advised by the Vermittlungsstelle W as to the nature and aims of the mobilization tasks to be carried out. Arrangements were under way to furnish the plants with the necessary personnel and materials to carry out the mobilization plans.

In March 1937, various high ranking Farben officials were informed by letter that the Reichsminister for War and Commander-in-Chief of the Armed Forces (von Blomberg) had ordered that (Exh. 491, NI-4623, Sk. 22, p. 90):

".....a leadership corps for military economy be set up immediately. The war economy leaders shall be responsible collaborators of the Wehrmacht in preparing and carrying out the mobilization of the armament industry and in the conduct of war. Their significance, their tasks, and duties in connection with armament economy, places them in a position corresponding approximately to that of reserve officers on active duty."

The defendants Krauch and Schmitz were appointed War Economy Leaders in 1938, and subsequently von Bohntzler, Gajewski, Hoerlein, Ter Meer, Schneider, Ambros, Buerger, Buettelisch, Ilgner, Jaehne, Lautenschlaeger, and Wurster were designated. (Bk. 11).

In September 1937, Farben's reorganized Commercial Committee reemphasized Farben's political outlook. The committee agreed that (Exh. 363, NI-4959, Bk. 45, p. 9):

"Under no circumstances should anybody be assigned to I. G. Farben agencies abroad who is not a member of the German Labor Front and whose positive attitude to the new era has not been established beyond any doubt. Gentlemen who are sent abroad should be made to realize that it is their special duty to represent National Socialist Germany.

"They are particularly reminded that as soon as they arrive they are to contact the local or regional group of Germans abroad and are expected to attend regularly their meetings as well as those of the Labor Front."

In the summer of 1937, the defendant Krauch, with other high government officials, met in Goering's office to discuss the scarcity of iron and steel. Goering stated (Exh. 432, NI-064, Bk. 20, p. 39):

"At a time like this, we cannot export one-third of our total iron production.....The Four Year Plan will do its share to create a foundation upon which preparation for war may be accelerated.....In the armed forces, those undertakings must receive first consideration which manufacture materials requiring a long period of construction. Warships by all means must get their supply of iron. Guns for battleships and other big guns fall in the same class.....The export (of iron and steel) may lead easily to the facilitation of the armament of the enemy. I am thinking for instance, of heavy plates which are needed abroad by the armament industry."

The response, by a representative of the iron and steel industry, reflected the tense atmosphere of the meeting:

"In regard to the shipment of iron to the so-called enemy countries like England, France, Belgium, Russia, and Czechoslovakia, only six percent of our export goes there. That does not help the British to keep up their armament."

Late in November, Hitler summoned his foreign ministers and the four chiefs of the armed services including Hermann Goering, the Commander-in-Chief of the Luftwaffe. What was said is set forth at length in the judgment of the International Military Tribunal.* Hitler announced his "irrevocable decision to solve the German space problem", and indicated that the first steps would be the conquest of Austria and Czechoslovakia. Thereafter as the International Military Tribunal found: "This decision to seize Austria and Czechoslovakia was discussed in some detail; the action was to be taken as soon as a favorable opportunity presented itself."

In 1938 Hitler purged the Army and his cabinet of all conservative elements and assumed direct and supreme leadership of the armed forces of Germany. German troops occupied Austria. German troops marched into the Sudetenland. In 1938 Farben accelerated its preparations for war to accompany military developments (see pp. 21-28, 30, 40, 44, supra). In the summer of 1938, with the invasion of Czechoslovakia imminent, Goering intensified his economic measures in preparation for aggressive war. Krauch and other defendants took the initiative in reorganizing the chemical program outlined by the Four Year Plan in line with the requirements for waging war. (See pp. 21-25, supra).

On 11 October 1938, Ter Meer writing to the Reich Ministry of Economics, referred to the fact that Buna III could not at that time be located in Upper Silesia, since that "area was considered as a troop deployment area against Czechoslovakia." (Exh. 563, NI-4717, Bk. 28, p. 11). On 14 October 1938, after Hitler had publicly declared

* Judgment of the IMT, Vol. I, Trial of the Major War Criminals, pp. 189-192.

"that there will be no more territorial problems for Germany in Europe",* Goering announced in the presence of Krauch that Hitler had ordered him "to carry out a gigantic program compared to which previous achievements are insignificant." (see p. 24, supra).

It was in 1938 that Farben arranged "to borrow" 500,000 tons of tetraethyl lead from the Ethyl Export Corporation of the United States and misrepresented the purpose of the "loan", (Exh. 732, NI-4922, Bk. 39, p. 93), and in 1938, Farben intensified the camouflage or cloaking of its foreign holdings to protect them from seizure in the coming war by enemy custodians. (see subdivision H, supra). The defendant VON SCHNITZLER stated:

"Even without being directly informed that the government intended to wage war, it was impossible for officials of I. G. or any other industrialists to believe that the enormous production of armaments and preparation for war starting from the coming into power of Hitler, accelerated in 1938 and reaching unbelievable proportions in 1938, could have any other meaning but that Hitler and the Nazi government intended to wage war come what may. In view of the enormous concentration of military production and of the intensive military preparation, no person of I. G. or any other industrial leader could believe that this was being done for defensive purposes. We of I. G. were well aware of this fact, as were all German industrialists, and on a commercial side, shortly after the Anschluss in 1938, I. G. Farben took measures to protect its foreign assets in France and the British Empire." (Exh. 40, NI-5196, Bk. 1, p. 54 at 76).

On 12 March 1938, Germany invaded Austria. This move was, as the International Military Tribunal found, a "premeditated aggressive step", but its timing was not planned in advance. On the contrary, it was precipitated, unexpectedly even to Hitler, by Schuschnigg's announcement on 9 March of a plebiscite on the question of Austrian independence. Goering promptly gave directions for the extension of the Four Year Plan to Austria, and Farben equally promptly "placed its cooperation at the disposal of the authorities".

* Judgment of the IMT, Vol. 1, Trial of the Major War Criminals, p. 197

and suggested on its own initiative that

"the groundwork should be laid immediately to prepare assignments to be carried out by the chemical big industry of Austria, within the framework of the Four Year Plan." (Exh. 1040, NI-4024, Bk. 52, p. 26)

These recommendations were prepared by Farben immediately following the invasion of Austria, and set forth in a letter signed by defendant Haeffliger dated 9 April 1938, entitled "New Order of the Major Chemical Industries of Austria". (Exh. 1040 supra).

About the same time, on 12 April 1938, defendant Bueteftisch discussed with the German Military Economy Inspection detailed "plans for hydrogenation and nitrogen plans of I.G. Farbenindustrie in Austria". As Bueteftisch stated in his secret report: "From a military angle, only the neighborhood of Wolfseck can be considered." (Exh. 1074, NI-7133, Bk. 52, p. 28).

In spite of its striking successes in occupied Austria, Farben felt that it should be prepared even better in the case of Sudetenland.

As early as April, 1938, Farben sounded out State Secretary Keppler on what the official attitude of the German authorities would be as to Farben taking over the enterprises in Sudeten Czechoslovakia. (Exh. 1072, NI-3981, Bk 54, p 1-2). In May 1938, Farben's Commercial Committee, having received a report from its agent in Czechoslovakia as to the political situation in the Sudeten area, decided to employ "Sudeten Germans for the purpose of training them with I.G. in order to build up reserves to be employed later in Czechoslovakia." (Exh. 833, NI-6221, Bk 54, p 6, 8; Exh. 1612, NI-6703, Bk 46; p 34-a; see particularly testimony of Dr. Frank Fahle, Tr. p 2033). Present at the meeting of the Commercial Committee were the defendants Schmitz, von Schmitzler, Haeffliger, Ilgner, Gattineau and Kugler.

The minutes of this conference on Czechoslovakia are very significant. They read in part as follows: (Exh. 833, supra)

"Seeborn [Farben's representative in Czechoslovakia] gave an introductory report; he stated that after the incorporation of Austria in the Reich, tension had increased in the Sudeten-German parts of the country and that in all sectors of the population the political and industrial organizations were being reconstructed according to German pattern and to the tenets of National Socialism."

"Our aim should be to prevent authorized sellers of I.G. products abroad from having to be in any way dependent upon Jewish banks, since we would otherwise be branded with the stigma of cooperating with Jewish firms. Furthermore, such conditions of ownership could possibly deprive us of the liberty of directing our agencies at will, as our experience in Austria has shown, if such Jewish banks should come under the direction of trustees appointed by the Government (Kommissare)."

* * * * *

"It seemed expedient to begin immediately and with the greatest possible speed, to employ Sudeten Germans for the purpose of training them with the I.G. in order to build up reserves to be employed later in Czechoslovakia."

The witness Frank-Pahle (who called the meeting on 17 May and reported to the Commercial Committee on 24 May) gives the following interesting explanation after he had been shown on the witness stand a copy of the minutes of the meeting (Tr. pp. 2033-2034):

"Austria had been occupied and had become part of Germany, I believe, just two or three months ago. I believe that it had been — I mean I don't like to talk about the way how it has been done, but it was — it had become part of Germany, and I believe all the Powers — also the Allied Powers had agreed to this political change. The I.G. had in Austria a lot of affiliations, sales agencies, and so on. When Hitler made this crude attack, we were severely attacked by the Nazi regime that more or less all of our agencies still employed Jewish people, that the members of the boards of the different companies were Jewish, and when the development in Czechoslovakia started, everybody could see that Hitler planned to get the German part of Czechoslovakia back. As later on the facts show, he got it back not in a nice way, I mean the way he started it with an absolutely Nazi method, but it was done in a way which followed, whether rightly or wrongly, with the approval of England, the United States, France and God knows all the other nations.

"We in the I.G. had also some imagination and read in the papers the atrocities against Sudeten-Germans. I asked Mr. Seeborn, 'What is the truth about it?' He said: 'There is nothing about it', and he laughed. But knowing that Hitler had — I am sorry to say — success in his foreign political actions without being stopped by anybody — when he occupied the Rhineland, he was not stopped by France; when he occupied Austria, he was not stopped by anybody — that he might succeed without causing a way by regaining the German part of Czechoslovakia.

"The point of us in the I.G. was to be in case such things happened, a little more careful, but in the case of Austria, in other words, when Hitler succeeded, which he did, by getting part of Czechoslovakia in a peaceful way, not to find the I.G. again having done nothing. This resulted that we asked our representatives in Czechoslovakia, to give some of our advertising to Germans — Sudeten-German newspaper, not to continue to employ the non-Aryan or Jewish lawyer, Dr. Panter, which was — I have to say it — also some window dressing, because in fact Dr. Panter functioned as our very good lawyer, continued to function, but for window dressing, we employed some Sudeten-German lawyers. In the same way we had to see that we had not too many National Czechs in our compilation has to be understood."

On 21 September 1938 the Vorstand was advised by the Commercial Committee of the details of the chemical plants in Czechoslovakia (Exh. 1043, NI-10725, Ek 51, p 115). On 22 September 1938, the defendants Gajewski, Hoerlein, v. Knieriem, Krauch, ter Meer, Schneider, v. Schnitzler, Wurster, Ambros, Lautenschlaeger, Euehne, Buerger, Ilgner, and Oster were informed that after having talked the matter over with Schmitz, the Central Committee placed RM 100,000 at the disposal of the Sudeten German Free Corps, an auxiliary military organization charged with maintenance of disturbances and clashes (Exh. 834, Ek 46, NI-1318, p. 35; Exh. 1041, PS-388, Ek 51, p.55).

On 23 September 1938, the defendant Euehne was pleased to learn from ter Meer and von Schnitzler "the pleasant news that you have succeeded in making the competent authorities appreciate our interest in Aussig, and that you have already suggested commissars to the authorities, viz. Dr. Wurster and Eugler." (Exh. 1044, NI-3781, Ek 52, p 116). Again, on 29 September 1938, the day that the Munich Pact was signed, the defendant von Schnitzler reported on a meeting with Keppler: "The negotiations have been successful insofar as all parties acknowledge that as soon as the German Sudetenland comes under German jurisdiction, all the work situated in this zone and belonging to the Aussig Union, irrespective of the future settlement of accounts with the head office in Prague, must be managed by trustees 'for account of whom it may concern'." The defendant Eugler (together with the Sudeten-German engineer) was appointed "commissar for the maintenance of the plants". (Exh. 1045, NI-3722, Ek 52, P. 117). The next day the defendant Schnitz wired Hitler that he was impressed by the return of Sudeten-Germany to the Reich, "which you, my Fuehrer, have achieved", and that Farben "puts an amount of half a million Reichsmarks at your disposal for use in the Sudeten-German territory". (Exh. 1046, NI-3795, Ek 52, p.122).

In the middle of March 1939, broken by Goering's threat to destroy Prague from the air, the Czech president signed the agreement for the occupation of Bohemia and Moravia by German troops. These two provinces became the protectorate of the Reich, and Slovakia a minor satellite power.

Farben's mobilization for war was by now virtually complete. A report written to the defendant von Knieriem in June 1939, and circulated to most of

the defendants read: "While three or four years ago, only isolated sections within I.G. were engaged on work concerning Wehrmacht problems, at present there is experimental work in progress in almost all major I.G. plants, which is being carried on either directly at the order of the Wehrmacht or in which the Wehrmacht is taking an active part either due to the particular nature of the problems in question or through providing Experts to participate in the work." (Exh. 166, NI-4669, Bk 7, p 1).*

On May 4, 1939, Dieckman, an I.G. Farben employee in Vermittlungsstelle W, transmitted a secret report to the Military Economy Staff containing detailed information concerning the location and production capacity of English stand-by plants for production of primary nitrogen. The report also states that the total production capacity of the plants described would be enough to cover the entire requirements for the production of highly concentrated nitric acid, "even should the Billingham plant be put out of action" (Exh. 922, Bk 49, NI-7796, p 86; see also Exh 923, Bk 49, NI-7965, p. 90). A copy of this report was sent to the defendant Krauch (Exh. 922, supra, p 87).

The frenzied pace of the German armament effort, the events of the recent months, and the widely publicized objectives of the Nazi party made the future only too clear. If one may concede room for doubt before 1939, after the Wehrmacht's entry into Prague no one could longer doubt that the Third Reich was ready for war. The tension which lay over Europe became nearly intolerable, and Germany was in a constant condition of emergency mobilization. Industrial mobilization had been planned down to the last detail. During the summer, incidents began to "occur" along the German-Polish border, and riots "broke out" in Danzig. These echoes of the Sudetenland crisis were well understood by intelligent, influential, and well informed men such as the defendants.

As we have seen (pp 34, 35) the defendant Krauch made clear that he understood in a report on the Four Year Plan of 28 April 1939. The quotation from this report can bear repetition here:

* Two months prior, the defendant von Knieriem and his Legal Committee had recommended that drastic measures be taken to camouflage Farben's foreign holdings in order to protect them from seizure by the enemy. (Exh. 1020, NI-2796, Bk 50, p 1)

"When on 30 June 1938 the objectives of the increased production in the spheres of work discussed here were given by the Field Marshal, it seemed as if the political leadership could determine independently the timing and extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year there is no longer any doubt that this hypothesis does not exist anymore."

"It is essential for Germany to strengthen its own war potential as well as that of its allies to such an extent that the coalition is equal to the efforts of practically the rest of the world. This can be achieved only by new, strong and combined efforts by all of the allies, and by expanding and improving the greater economic domain corresponding to the improved raw material basis of the coalition, peacefully at first to the Balkans and Spain.

"If action does not follow upon these thoughts with the greatest possible speed, all sacrifices of blood in the next war will not spare us the bitter end which already once before we have brought upon ourselves owing to lack of foresight and fixed purposes." (Exh. 455, EO-282, Bk 31, p. 56).

The defendant Krauch was Goering's right hand, and several others were working closely with Krauch. Many of the defendants were in key positions in the government or the semi-official Economic Group Chemical Industry. All major Farben projects and policies within the armament effort had been approved in meetings of the Vorstand. It seems superfluous to mention particular meetings at which high government officials informed Farben that war was bound to come; certainly many of these defendants knew the truth far better than those who presumed to whisper state secrets in their ears. But it is perhaps worth mentioning that, in July 1939, the defendant von Schnitzler conferred in Berlin, as was his monthly custom, with Ungewitter, the Reich Commissioner for Chemistry. Ungewitter, speaking on behalf of the Four Year Plan, told von Schnitzler that Hitler was determined to invade Poland and that, in view of the guarantees which had been extended to Poland by England and France, Germany must be prepared for an attack on its western frontier. Ungewitter had also made similar statements to others among the defendants, such as ter Meer, Wurster and Ambros. (Exh. 40, NI-5196, Bk 1, p. 54 at 74).

During the same month, July 1939, in which the defendant von Schnitzler says he was informed of Hitler's intentions with respect to Poland, von Schnitzler attended a convention at Kiel of prominent foreign businessmen with Farben acting as host (Exh. 779, NI-526, Bk 44, p. 59). This was an annual project sponsored to get acquainted with the views of prominent foreign

businessmen, and in turn to persuade the foreigners of the righteousness of the German program. At this convention in July of 1939, a report on it by a Nazi official indicates that everyone discussed Germany's invasions of Bohemia and Moravia. The report states that this event "caused reactions abroad, the extent of which has so far not been realized by most of the German participants. The English and French naturally expressed themselves very pointedly on the subject. Nobody of course wants a war and hopes for peace are still being cherished, but they felt certain that in case of any further arbitrary proceedings in Germany's foreign policy, war would be unavoidable."

On 2 August, Ungewitter, as Reich Commissioner for Chemistry, gave Farben the alert signal for war. Through the Vermittlungsstelle W, instructions were given as follows:

"The basic principles should be that the raw and auxiliary materials necessary for the execution of the mobilization orders issued to you will be held in stock by you for a certain period. In agreement with the Reich Ministry of Economics, I accordingly direct you to stockpile that amount of the raw and auxiliary materials indicated by you as necessary for the execution of the mobilization order, which would cover the requirements for three months... It is incumbent upon you to register as priority transports the quantities of these materials required for the first four weeks from the beginning of mobilization with the military economic department concerned... Please inform me as soon as possible that the directives issued to you for stockpiling have been carried out." (Exh. 742, NI-8364, Ek 40, p 21).

The time had come for putting into effect the "cloaking" plans for Farben's foreign assets which the defendant von Krieren had devised. As this program, known among the defendants as "tarnung" (Camouflage), was put into effect, Farben explained to the Reich Minister of Economics on 12 August 1939 (Exh. 1025, NI-7078, Ek 50, p 37):

"We declare that we shall have unrestricted influence upon the foreign companies, even after the carrying out of the measures aimed at, and that we are preparing and in a position to insure that all foreign values on hand will be delivered to the Reichsbank either directly by way of the export proceeds, or via Stockholm as indicated in our proposal... We declare, moreover, that the decisive real influence we shall have in the foreign sales companies, even after the carrying out of the new requirements, will be sufficient in every respect to answer the requirement of the German governmental and party authorities with regard to personnel and political questions. We shall always be able to eliminate from our sales business those individuals who are unsuitable or suspect because of their political position and to insure that no conflicts arise between the Staff of our foreign economic sales organization and the general German viewpoint and government and economic policy."

While von Emdstedt and von Bock were deploying the German legions on the Polish frontier in accordance with their plan of attack, Farben was carefully surveying the Polish chemical industries in anticipation of the benefits to be derived from conquest. On 28 July 1939, a comprehensive report was prepared under the direction of the defendant Ilgner, which was entitled "The Most Important Chemical Plants in Poland", and which set forth a detailed description of the physical structure of these plants, the products they manufactured, their adaptability to the German war economy, and the names of their owners and directors. (Exh. 1137, NI-9154, Ek 55, p 52; Exh. 1135, NI-9151, Ek 55, p 50).

On 28 August, the Vermittlungsstelle W notified the Farben plants that it could, for the time being, be reached day and night by telephone and teletype. (p 18, supra). That day or the next, the defendant Schneider, head of Sparte I, called a meeting of the department chiefs of the Leuna plant and informed them that the order for the mobilization of the plants had been given. Schneider closed the discussion with the words: "This is war." (Exh. 251, NI-3235, Ek 9, p 104) One week after the aggression against Poland the defendants started to carry out their program previously planned for the seizure of the Polish chemical industries.

In our review of the evidence relating to the participation by these defendants in the events which occurred in Germany during the period from 1933 on and the state of mind with which they so participated, it appears that one basic fact remained the same throughout the period. That is the fact that the defendants backed Hitler and his program for twelve years — whether for love, or for money, or to protect their positions, or to protect Farben. Although the motive of these defendants in backing Hitler is not an essential part as such, of the crimes with which they are charged, it is very relevant in shedding light on the state of mind with which they engaged in preparing Germany for each aggression.

Krusger, one of Farben's leading officials in the Berlin NW 7 office, has testified on cross examination by the defense that the deceased Farben

leader Bosch and a few other Farben officials wanted "to turn their backs to National Socialism, but I had to see that if the majority of the management said that, such an attitude would be a great risk, a risk to the life of I.G. Farben" (tr. p 2970). He said further, "The fear of the commissar was very strong, as far as I.G. Farben was concerned and because of that people who did not sympathize with the movement within the I.G. did not know of any better advice than to follow the strategy of hunting with the great....most industrialists of these circles were anxious to bring their enterprises...into a Germany which had Nazis who were tamed, - so to speak, civilized" (Tr. p 2971). And on redirect examination, Krueger affirmed that the adopted policy was not merely one of "hunting with the great", but of "howling with the wolves" (Tr. p 3016-3017).

This attitude of the defendants did not undergo any basic change over a period of twelve years. They never stopped howling with the wolves. They kept "hunting with the great" when freedom was destroyed in Germany and the persecution of the alleged "inferior peoples" was carried out; when one step after another was taken to implement Germany's foreign policy with force; when Germany's growing military power was used in the military reoccupation of the Rhineland; when troops moved three times within thirteen months to effect Nazi conquest in Austria and Czechoslovakia during 1938 and 1939; and when one aggressive war after another was launched and waged by Germany. To top it all, these defendants, as if to be second to none in ratifying and supporting Nazi politics, took more than their share of the plunder and more than their share of the "slaves".

This policy of "hunting with the great" and "howling with the wolves" will probably take on a more dignified tone in the course of the defense in this case. The cross-examination of witnesses friendly to the defense (former employees of Farben who admitted certain facts in affidavits given to the prosecution) has indicated that we may find this policy dressed up as "superior orders" or "coercion". It will be helpful, we believe, to discuss certain aspects of this "defense" briefly at this point, since it is sometimes offered as bearing on motive.

THE DEFENSE OF SUPERIOR ORDERS AND COERCION

We have already shown that the "defense" of superior orders and coercion has no legal justification in a case of this type. The evidence in this particular case makes the factual basis even less convincing than any possible legal argument which might be advanced. Without spending too much time discussing this "defense", we believe that it will be sufficient to merely show what it amounts to in the light of the facts. On the basis of the evidence, it would go something like this:

We were forced to help bring Hitler to power in 1933 and to help him consolidate his position in Germany, and we were forced to support him financially and otherwise during the succeeding 12 years while he was destroying freedom in Germany and attempting to destroy it throughout the world. We were forced to take this action in Germany because if we didn't support Fascism we were afraid we might have Communism.¹

Once Hitler had come to power in Germany with our help, we were forced to use our power and resources in preparing Germany for war. It is true that Farben was indispensable to creating and equipping the Nazi war machine;² that Farben had been a power in the world a generation before the Nazis came;³ that our world-wide empire⁴ was necessary for carrying out economic warfare, fifth column activities, and propaganda and intelligence activities throughout the world⁵ — as well as for supplying the necessary foreign exchange to the Nazi government;⁶ and, that our international relations with foreign countries were an indispensable weapon to the Nazi government in its efforts to weaken the economic strength of the countries which the Third Reich regarded as potential obstacles to carrying out its aggressive policies.⁷ It is true that we were so powerful that the Nazi government was forced to let us have our way in such things as choosing between Farben and the SS in the development of particularly important chemical processes;⁸ and in deciding whether the Reich itself or Farben should be entitled to utilize the synthetic rubber manufacturing processes of the Soviet Union.⁹ All of these things are true, but this does not take away from the fact that the Nazi government forced us to participate in preparing the Four Year Plan and forced us to participate in directing the economic mobilization of Germany for war, and forced us to participate in building up the Nazi war machine.

1. See Exh. 36, EC-439, Bk 3, p 62; Exh. 34, NI-7990, Bk 3, p 55; Exh. 57, NI-9784, Bk 3, p 115.
2. See subdivision "D", *supra* p 26.
3. See Exh. 51, NI-9053, Bk 2, p 61; Exh. 18, NI-5197, Bk 2, p 67; Exh. 39, NI-5191, Bk 2, p 107; tr. pp 730-751.
4. See Exh. 51, NI-9052, Bk 2, p 61; Exh. 18, NI-5197, Bk 2, p 67; Exh. 39, NI-5191, Bk 2, p 107; Exh. 41, NI-9286, Bk 2, p 2; Exh. 42, NI-9503, Bk 2, p 20; Exh. 43, NI-9540, Bk 2, p 22; Exh. 49, NI-9763, Bk 2, p 1.
5. See subdivision "G", *supra* p 54.
6. See Exh. 822, NI-9776, Bk 45, p 175.
7. See subdivision "F", *supra* p 47.
8. Exh. 14, NI-4042, Bk 1, p 98.
9. Exh. 15, NI-4971, Bk 1, p 101.

When we took the initiative in "selling" the synthetic oil program and the synthetic rubber program to the Nazi government, the fact that Hitler, "bought" these programs because he needed oil and rubber to wage war is not significant. We were only interested in bargaining with Hitler because we wanted to make Germany self-sufficient. We could not help it if Hitler used this self-sufficiency for war purposes. Once we had made our bargain we were forced to carry it out even though it became clearer and clearer that we were heading for war. It is true that thereafter we took the leadership in many other important phases of preparing Germany for war¹⁰ but once having gotten into the boat we were forced to see to it that it didn't sink.

The fact that we made huge profits in preparing Germany for war;¹¹ that we added greatly to our empire within Germany;¹² that we expanded our empire abroad by seizing the property of others;¹³ and that we were able to make these profits and expand our empire through the use of slave labor and inmates of concentration camps¹⁴ is all quite immaterial. For so long as we were forced to do what we did, there was no reason why we should not benefit from it at the same time.

We were forced to prepare Germany for the conquest of its neighbors; to reap the spoils of each conquest by absorbing the chemical industries of the conquered countries; and to use men, women, and children deported from these countries and inmates of concentration camps in our factories (we cannot be blamed for the fact that many of these people were forced to work so hard that they either died or were so exhausted that they were sent to the gas chambers). For once Germany had started the war we had been forced to prepare her for, we were likewise forced to see to it that she won the war. The chemical factories which we grabbed, (even though sometimes we had to fight government agencies to get them), were essential to the waging of war and the slave laborers whom we worked (sometimes to death), were likewise essential to the winning of the war.

It is true that all of this resulted in a world tragedy and in the ruin of Germany¹⁵ but Hitler should be blamed for this and not us.

The irony is not chosen by the prosecution. It is inherent in any attempted justification of such an intimate alliance with leading Nazis and with the Nazi policy. It is inherent in the conventional attempt to cite "coercion" where less active and less willing partnership would have meant a loss to the Farben firm and a loss of personal position and prestige. It is inherent in the attempt to deny initiative in the face of ever increasing responsibilities and the ever increasing rewards both to the concern and to its

10. See subdivisions "G" and "D", *supra*.

11. Exh. 132, NI-10602, Bk 5, p 181; Exh. 133, NI-10014, Bk 5, p 182.

12. See subdivision "D" *supra* at pp 41 - 44.

13. See Part II of this brief.

14. See Part III of this brief.

15. See affidavit of von Schnitzler, Exh. 40, NI-5196, Bk 1, at p 66.

leaders. It is inherent in the face of evidence such as the letter from Ambros to ter Meer in April 1941, where in speaking of I.G. Farben Auschwitz he states "our new friendship with the SS is proving very profitable"¹⁶ and in the letter from Krauch to Himmler in 1944, stating: "I was particularly pleased to hear that * * * you hinted that you may possibly aid the construction of another synthetic factory * * * in a similar way as was done at Auschwitz, by making available inmates of your camps."¹⁷

(E N D)

16. Exh. 1431, NI-11118, Bk 73, p 11.

17. Exh. 1526, NI-10040, Bk 79, p 53.

Case 6
Prosecution

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF

OF THE PROSECUTION

PART II

P L U N D E R A N D S P O L I A T I O N
- - - - -

English



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PLUNDER AND SPOILIATION.

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COUNT II.

PLUNDER AND SPOILIATION.

I. THE LAW.

Applicability of Control Council Law No. 10, Art. II, 1 (a) (b) and (c).

1. As set forth in paragraph 84 of the Indictment and also in the statement of the prosecution (tr., p. 2894), the acts and conduct stated in Count II, relating to plunder and spoliation, were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. If Control Council Law No. 10, Art. II, had no subdivisions (b) (war crimes) and (c) (crimes against humanity), but just subdivision (a) (crimes against peace), we would still have submitted precisely the same material which we have presented in connection with Count II of the Indictment since all the acts established thereby are punishable under subdivision (a) (crimes against peace.) This refers to all acts of spoliation wherever committed, including Austria and Czechoslovakia. The record shows in connection with each individual country occupied by German that, in the words of defendant von Schnitzler,

"It was the primary purpose of the German Government to incorporate the economies of these countries to the purposes of Germany. This undoubtedly meant that these countries must work for the German war machine."

(Ex. 1083, NI-5194, D.B. 56, R. p. 43, E. p. 80)

The entire spoliative scheme and all the individual acts of spoliation are, therefore, part of the planning and waging of wars of aggression and invasions of other countries, and, consequently, within the scope of Art. II, 1(a). Since there are, however, separate subdivisions of Article II, even if they are overlapping to a large degree, we have partly separated spoliation in our pleading and proof for convenience and orderly presentation. Furthermore, we have grouped the individual acts of spoliation according to the countries involved although we also claim one over-all crime of spoliation: the spoliation of the continent of Europe as more fully explained in paragraph 9, *infra*.

We propose to deal first with war crimes (paragraph 2 - 11,

infra), and then to show why these acts also constitute crimes against humanity (par.13-14. infra).

War Crimes.

The Hague Convention of 1907.

2. The definition of war crimes in Control Council Law No.10, Art.II,1 (b), includes "offenses against ... property constituting violations of the laws or customs of war including but not limited to ... plunder of public or private property." One of the principal codifications, though not the only one, of "the laws or customs of war" is the Annex to the Hague Convention of 1907. If the defendants have violated said "laws or customs of war", as defined by the Hague Convention, they have also violated Control Council Law No.10.

3. On this basis, the charges under Count II of the Indictment concern the participation by the defendants in a vast scheme of plundering property in occupied territories in order: to strengthen Germany in waging her aggressive wars; to secure her permanent economic domination of the continent of Europe; and to have the Farben empire flourish therein. Apart from this over-all program, the execution of which squarely violates both the spirit and language of the Hague Convention, we have more specifically charged the violation of individual provisions of the Convention, among them Art.46, par.3, Art.53, and Art.55 (Compare Indictment, par.119, and tr., pp.2490-93).

4. In order to describe crimes against property in violation of the laws and customs of war, the words "plunder" and "pillage" have been conventionally used (e.g., in the Annex to the Hague Convention and Control Council Law No.10). However, as far as systematized acts of dispossession are concerned, the word "spoliation" is more appropriate in describing the crime. In this sense, the word has also been used in the "Inter-Allied Declaration against Acts of Dispossession committed in Territories under Enemy Occupation or Control" (Exhibit 1057, NI-11378, D.B.52). While speaking first of the "plundering by enemy Powers of the territories which have been overrun or brought under enemy control", this

Declaration goes on to say:

"The systematic spoliation of occupied or controlled territory has followed immediately upon each fresh aggression." (our emphasis)

Dealing with the same type of crimes, the French decree based on the Inter-Allied Declaration have also consistently used the word "spoliation", which word is identical in French and English. (See, e.g., the French "Ordonnance of 12 November 1943 concerning the Nullity of Acts of Spoliation committed by the Enemy or under his Control"^{1/}). We have adopted the word "spoliation" in this sense.

5. The offense itself has a double aspect: it is generally a crime against the country concerned in that it disrupts its economy, alienates its industry from its inherent purpose, makes it subservient to the interest of the occupying power, and interferes with the natural connection between the spoliated industry and the local economy. As far as this aspect is concerned, the consent of the owner or owners or their representatives, even if genuine, does not affect the criminal character of the offense. In other words: if there is a "Quisling" or "collaborator" who willingly and unscrupulously parts with his property in favor of the enemy, this is no excuse. For in the modern world international law, which aims^{at} protecting the orderly and independent functioning of the economic system of the occupied country, cannot be thwarted just because one or two or a group of

1/ "Ordonnance du 12 Novembre 1943 sur la Nullité des Actes de Spoliation accomplis par l'Ennemi ou sous son Contrôle", Journal Officiel de la République Française 1943, page 277. The first paragraph of this Ordinance reads:

"Since April 1941 Free France has denounced those activities of the enemy and of governments under enemy control which are aimed at despoiling physical or moral entities of their property, rights and interests, and the methods of spoliation employed".

In this sense, the word is in general use. See, e.g., Garner:

"International Law and the World", Volume II, Longmans, Green & Co., London, 1920, p.126:

"The authorities are all in agreement that the right of requisition as recognized by the Hague Convention is understood to embrace only such supplies as are needed by the army within the territory occupied and does not include the spoliation of the country and the transportation to the occupant's own country of raw materials and machinery for use in his home industries." (our emphasis)

persons belonging to the vanquished state are treacherous and selfish enough to play the conqueror's game.

The other aspect of the crime, which is present in the overwhelming group of cases before us, is where the offense runs against the rightful owner or owners by taking away their property without any regard to their will ("confiscation") or by obtaining their "consent" by threats or pressure. In this latter case, the restraint or coercion may be exerted by direct threats against the owner or by exploiting the general atmosphere of intimidation created by the presence of the Armed Forces of the conqueror or the attitude of the military government, or by bending the owner's will in any other way, e.g., by depriving him of raw materials or other vital products needed for the survival of his enterprises. It makes no difference, in these cases, whether the vanquished indicates any preference for one or the other agency of the occupying power because he considers one of them as the "lesser evil".

The Doctrine of Subjugation.

6. The Nazi Government divided subjugated territories into such countries or parts thereof which it "annexed" to or "incorporated" into Germany, and such countries or parts thereof which were just occupied. In view of this distinction, it should be stressed that the protection of the Hague Convention applies to all countries occupied by virtue of aggressive acts or steps, i.e., in the case of belligerent occupations by Nazi Germany to all invasions starting with and following upon the occupation of Austria in March 1938. Although the defense in the case before the I.M.T. placed great stress upon the alleged "doctrine of subjugation", the I.M.T. did not find it to be applicable in any case. In fact, it indicated (p.254):

"In the view of the Tribunal it is unnecessary in this case to decide whether the doctrine of subjugation, dependent as it is upon military conquest, has any application where the subjugation is the result of the crime of aggressive war." (Our emphasis).

Indeed, if this doctrine were tolerated where occupation is effected

by aggression, this would be an invitation to aggressors and their accessories to take the risk of accomplishing subjugation by a show of force in the hope that the weaker nations will not resist. Certainly it is the intent of international law to have precisely the opposite effect. In this case the Tribunal will have to pass upon this point with respect to Austria and Czechoslovakia. Of course, the doctrine of subjugation cannot possibly apply as far as the spoliative acts also constitute crimes against humanity (see Par.14, infra).

Austria and Czechoslovakia.

7. Prior to the German invasion of Poland on 1 September 1939, the Nazi policy of achieving their territorial ambitions by the use or threat of force did not immediately provoke actual war. This does not take away from the fact that the invasions prior to 1 September 1939 were aggressive acts. With respect to the occupation of Austria, the International Military Tribunal held that

"the invasion of Austria was a premeditated aggressive step" (p.192)

and that the country

"was occupied pursuant to a common plan of aggression" (p.318).

The International Military Tribunal also found:

"The methods employed to achieve the object were those of an aggressor. The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered." (p.194).

With respect to the occupation of the Sudetenland of Czechoslovakia, it may be argued that this was initially covered by the Munich agreement. However, in the words of the International Military Tribunal:

"Hitler never intended to adhere to the Munich agreement" (p.197).

If the German Reich did not intend, from the outset, to be bound by, or to live up to, the Munich Pact, neither the German Reich nor any of its citizens derived any rights or privileges therefrom. Moreover, the Nazi Government had carefully planned the military occupation of the Sudetenland (as well as the rest of Czechoslovakia) independent of whether there would be a preceding "agreement" (Judgment of the I.M.T., p.196). The same vicious attitude was adopted by Farben which had its

plans concerning the Sudetenland ready and had asked for the appointment of the defendants Wurster and Kugler as "commissars" for the Sudetenland dyestuff plants before there was a Munich agreement (See discussion under "II. The Facts", *infra*). When Germany openly broke the Munich Pact by invading the balance of Czechoslovakia on 15 March 1939, the German masquerade was laid bare before all the world.

The I.M.T. did not feel it necessary to pass squarely upon the question as to whether the protection of the Hague Convention applies to the occupation of Austria and the Sudetenland, since with respect thereto the Indictment did not allege specific acts constituting war crimes (See Indictment (pp.55-60) and compare I.M.T. Judgment (p.254), quoted *supra*, p.4). There is no basis, however, for excluding the protection of the Hague Convention from countries occupied by an aggressor. To prevent a foreign power, more particularly an aggressor, from plundering a territory it belligerently occupies is the distinct purpose of the pertinent rules laid down in the Hague Convention. The I.M.T. did state that the doctrine of subjugation

"was never considered to be applicable as long as there was an army in the field attempting to restore the occupied countries to their true owners. In this case, therefore, the doctrine could not apply to any territories occupied after September 1, 1939." (p.254).

However, that the I.M.T. did not place any magic in the date 1 September 1939 (actual warfare) with respect to the protection of the rules of war is shown by its finding concerning Bohemia and Moravia (occupied on 15 March 1939):

"The occupation of Bohemia and Moravia must ... be considered a military occupation covered by the rules of warfare."

It clearly appears from this finding that, in the view of the International Military Tribunal, actual warfare is not a prerequisite to bringing the Hague Convention into play.

Poland and Alsace-Lorraine.

8. The finding of the I.M.T. just quoted (p.254) clearly covers

Poland and Alsace-Lorraine which were occupied after 1 September 1939, and which, wholly or partly, were "annexed" by the German Reich. Therefore, it makes no difference, in the case of Poland, whether we have to deal with property located in the Western part of that country (the so-called Warthegau) which was "incorporated" into Germany, or whether such parts of Poland are concerned which were not "annexed".

Russia.

9. As we have indicated (par.3, supra), spoliation in its broader aspect consisted in the over-all program, and its execution, to assure the subservience of the economy of the conquered countries to Germany, and to seize their industries for this purpose. Control Council Law No. 10, in Article II, Section 2, defines the different cases in which a person "is deemed to have committed a crime as defined in paragraph 1 of this Article". Under subdivision 2 (d) which applies to each of the 3 crimes, among them to war crimes, it is sufficient that the person "was connected with plans or enterprises involving (their) commission". Even if we construe this subdivision in such way as to mean that an accomplished crime is a prerequisite to its application, even then all of the so-called "Russian case" is covered by this provision. As we pointed out (par.1, supra), we have not only individual and separate cases of spoliation, but we also have one over-all crime of spoliation directed against the continent of Europe. What we are confronted with here is, in the language of the International Military Tribunal (p.239), "a systematic plunder of public or private property" carried through "in consequence of a deliberate design and policy". This deliberate policy has resulted in the accomplished crime of spoliation, as, e.g., in the cases Boruta, Poland; Francolor, France; Rhone-Poulenc, France; and so on. The prerequisite, therefore (provided there is any such prerequisite) to the application of Art. II, 2 (d), is present even if the spoliative planning in one individual country did not achieve its intended results. In other words, the over-all crime of spoliation has been committed, and whoever of these defendants "was connected with

plans or enterprises involving its commission" is to be deemed a war criminal under Art. II, 1 (b). This is another reason why our evidence showing the spoliation scheming and planning in Russia, even where it did not achieve its aims, is competent to establish our charge under Count II. This is in addition to the reasons given by the court in its ruling of 7 November 1947 (possible bearing on the conspiracy charge, tr.3483) and previously by the prosecution (bearing on motive, intent, assistance to Nazi spoliation generally, and state of mind of the defendants in connection with Counts I and II, tr., pp.2728-2730).

10. In the case of Russia we have to deal exclusively with property of the State (This may also be partly true in the case of Poland. See "II. The Facts", *infra*, concerning Boruta). Therefore, Art.53, Par.1, and Art.55 of the Hague Convention apply. We should note that the I.M.T. has construed these Articles to mean

"that under the rules of war, the economy of an occupied country can only be required to bear the expense of the occupation, and these should not be greater than the economy of the country can reasonably be expected to bear." (pp.238-9).

In other words: Although the restrictive words "for the needs of the army of occupation" and also the "proportion clause" are used only in Art.53 (dealing with requisition) and have not been expressly repeated in Articles 53 and 55, the I.M.T. following well-established rules of construction, reads Articles 53 and 55 so as to imply these words. Consequently, any use made of public property which goes beyond the needs of the army of occupation itself, or which is out of proportion to the resources of the country, is against the laws and customs of war.

Aggressors excluded from Privileges of Hague Convention.

11. In referring to the Hague Convention we should bear in mind that there are distinct limits to be observed by any belligerent, aggressor and victim of aggression alike. It is the violation of these limits which we shall have to deal with primarily. Subjecting the aggressor to the limits set by the Hague Convention does not mean,

however, that he is also entitled to its privileges. As the International Military Tribunal found, Germany's wars were the wars of an aggressor. Where no war followed her invasions, as in the case of Austria and Czechoslovakia, the occupation, in the words of the I.M.T., constituted aggressive acts or aggressive steps. War waged by an aggressor was outlawed by the Kellogg-Briand Pact of 27 August 1928 to which 63 nations including Germany were signatories. Article 1 of the Pact provides:

"The high contracting parties solemnly declare in the name of their respective people that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another."

Any belligerent which, thereafter, engaged in a war as an instrument of national policy is, therefore, guilty of an illegal act, and would forfeit its status as a lawful belligerent. While the Kellogg-Briand Pact does not itself express what legal incidents flow from its violation, its interpretation has been made perfectly clear by the authorities. Mr. Stimson, as Secretary of State, in a speech before the Council of Foreign Relations, on 8 August 1932 stated:

"War between nations was renounced by the signatories of the Briand-Kellogg Treaty. This means that it has become illegal throughout practically the entire world. It is no longer to be the source and subject of rights. It is no longer to be the principle around which the duties, the conduct and the rights of nations revolve. It is an illegal thing. Hereafter, when two nations engage in armed conflict, either one or both of them must be wrongdoers — violators of the general treaty. We no longer draw a circle about them and treat them with the punctiliousness of the duelist's code. Instead, we denounce them as law-breakers."

(Foreign Affairs, Special Supplement, Vol.11, No.1.(1932) p.IV).

Using partly the same words and particularly referring to the aggressor, the International Military Tribunal held:

"After the signing of the Pact, any nation resorting to war as an instrument of national policy breaks the Pact. In the opinion of the Tribunal the solemn renunciation of war as an instrument of national policy necessarily involves the proposition that such a war is illegal in international law; and that those who plan and wage such a war, with its inevitable and terrible consequences, are committing a crime in so doing. War for the solution of international controversies undertaken as an instrument of

national policy certainly includes a war of aggression, and such a war is therefore outlawed by the Pact." (p.219)

Since the aggressor is "outlawed", it follows conclusively that he cannot benefit from the "laws" of war. This consequence resulting from the violation of the Pact has also been stressed by the Harvard Research Convention on Rights and Duties of States in Case of Aggression which was drafted in October 1939, and was signed by 18 distinguished American scholars in the field of international law. The Convention provides, in part:

"... an aggressor does not have any of the rights which it would have if it were a belligerent ...";

and also:

"An aggressor does not have any of the rights which would accrue to a State not an aggressor as the result of its use of armed force."

(33 American Journal of International Law Supp. 819, 886, 888).

That means, in particular, that the aggressor as an "outlaw" is excluded from the advantages and privileges given to a belligerent under the Hague Convention.

Crimes against Humanity.

12. Crimes against Humanity are defined by way of illustration in Law No.10, Article II, 1(c), as follows:

"Atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or prosecution on political, racial or religious grounds, whether or not in violation of the domestic laws of the countries where perpetrated."

The I.E.T. held that the act constituting a war crime can, at the same time, be a crime against humanity (page 254). Other Nurnberg tribunals sitting under Ordinance No.7 have adopted this position. We quote from the decision of Court No. II of 16 April 1947 (Milch case):

"Our conclusion is that the same unlawful acts of violence which constituted war crimes ... also constitute crimes against humanity Having determined the defendant to be guilty of war crimes ... it follows, of necessity, that he is also guilty of the separate offense of crimes against humanity ... and this Tribunal so determines."

13. In the cases before us, the war crime of spoliation was

insolubly connected with persecution on political, racial or religious grounds. Without anticipating the factual circumstances (which will be summarized hereinafter), we can state here that the governmental acts and decrees which so readily lent themselves to the plans and enterprises of the defendants - and which were not only used by them to the full but partly even prompted by them - were almost exclusively based on discrimination against parts of the population or the entire population of occupied countries under a political, racial or religious aspect.^{2/}

14. A crime in order to be punishable under Law No.10 must not necessarily have been committed against the population of enemy countries. Of course, as far as war crimes are concerned, their commission against the population of enemy countries might be the rule. Article III, 1(d), however, provides that even crimes committed "against other persons of German citizenship or nationality of stateless persons" are within its scope. There is no doubt, therefore, that crimes against humanity could be perpetrated against the population of countries which, like Austria and Czechoslovakia, were not engaged in open warfare against the aggressor. Expressly to this effect, see I.M.T. judgment concerning Schirach's crimes against humanity in Austria (p.318, bottom).

2/ Though we do not rely on any decisions rendered by German courts, even after the downfall of Nazism, it may be worth noting that the Appellate Division of a German court (Oberlandesgericht Freiburg, Baden, 4 July 1946, NI-11202) has construed crimes against humanity (Control Council Law No.10, 2, 1c) as follows:

"The steps taken against the Jews constitute forced deportation which is an inhumane act committed against a civilian population, and prosecution on racial grounds (Control Council Law No.10, Art.2, 1 c). The seizure of the movables which, apart from the forced deportation, is to be considered an independent act, constitutes prosecution on racial grounds and, at the same time, at least indirectly, an inhumane act."

What is stated here with respect to the seizure of property belonging to the Jews applies as well to the confiscation of property which was seized for no other reason than that the owner was a Polish subject, or a Frenchman residing in Alsace-Lorraine, and so on.

II. THE FACTS.

A. CASES OF OUTRIGHT CONFISCATION AND FARBEN'S PARTICIPATION THEREIN. (Russia, Poland, Alsace-Lorraine).

Russia.

15. The International Military Tribunal found that it was the distinct purpose of the Nazi Government to establish Germany's domination over large parts of Europe once and for all (pp.186-188). It also found that the occupied territories were systematically plundered in consequence of a deliberate design and policy (p.239). In view of these findings, only a limited amount of evidence has been submitted here to elucidate the Nazi scheme of plunder.

(See particularly
Exh. 1169, NI- 6365; Exh. 1821, EC - 3;
Exh. 1170, NI- 6375; Exh. 1172, NI-11379;
Exh. 1171, NI- 440; Exh. 1173, NI- 6732; and
Exh. 1174, NI- 6373;
all of which are located in D.B. 63, E.pp.1-36,
G.pp.1-32.)

The content of these announcements became general and common knowledge in Germany. Certainly there was no ignorance of them by these defendants. The last but one document cited above, Exh.1173, bears handwritten remarks by Farben lawyer Stein. The most outspoken scheme of plunder referring to Russia which was unparalleled even in the Germany of the Nazis, appears from a report of Farben's own delegate for Russian questions, de Haas.

(Exh.1175, NI-2996, D.B. 63, E.p.37, G.p.33)

Defendant Mann who was particularly in charge of Russia,

(Exh.1564, NI-6088, D.B. 64, E.p.20, G.p.19, and
Exh.1209, NI-6348, D.B. 64, E.p.38, G.p.64)

saw to it that this report was distributed to each individual member of the Vorstand and the Commercial

Committee (Exh.1175). That the industrial cities of Southern Russia were to be ruthlessly stripped and that all available machinery was to be shipped to Germany, is emphasized in this report. (Exh.1175, D.B.63, E.p.42, G.p.37). Farben director Krueger has confirmed that, though he no longer remembers the report itself, the principles laid down therein were in accordance with the then Nazi policy as known to him.

(Exh.1570, NI-10728, D.B. 64, E.p.42, G.p.68).

Far from being shocked by these inhumane methods, Farben was only concerned about its own participation in the spoils. The question of how far and when a "reprivatizing" of the Russian industry would take place, and how big firms like Farben would then be able to participate, is particularly stressed in many documents in evidence:

(de Haas report, Exh.1175, D.B. 63, E.p.40, G.p.35 and Exh. 1177, NI-8077, D.B.63, E.p.47, G.p.42).

What did Farben do?:

(a) it appointed its experts to go to Russia for the Government;

(Exh. 1178, NI-4446, D.B. 63, E.p.49, G.p.44;
Exh. 1179, NI-4969, D.B. 63, E.p.53, G.p.47;
Exh. 1180, NI-6737, D.B. 63, E.p.55, G.p.49;
Exh. 1181, NI-6697, D.B. 63, E.p.57, G.p.52; and
Exh. 1188, NI-4968, D.B. 64, E.p.10, G.p. 9)

(b) it tried to get, and obtained, participations in the Government-sponsored Eastern or Monopoly Corporations which were organized for the distinct purpose of exploiting Russian industrial capacity;

(Exh. 1190, NI-4962, D.B. 64, E.p.13, G.p.12;
Exh. 1568, NI-6730, D.B. 64, E.p.36, G.p.61; and
Exh. 1569, NI-6729, D.B. 64, E.p.37, G.p.63)

(c) it delegated or tried to delegate Vorstand members to the Supervisory Board or Board of Directors of such corporations.

(Exh. 1561, NI-4961, D.B. 64, E.p.15, G.p.14 and
Exh. 1563, NI-4964, D.B. 64, E.p.18, G.p.17)

(d) it fought for pre-emptive rights in case Russian factories including real estate were confiscated and sold by the Nazi Government;

(Exh. 1182, NI-4975, D.B. 63, E.p.58, G.p.53;
Exh. 1183, NI-4972, D.B. 63, E.p.62, G.p.58;
Exh. 1184, NI-6735, D.B. 63, E.p.67, G.p.65; and
Exh. 1185, NI-4974, D.B. 63, E.p.71, G.p.69)

(e) and it sought to procure exclusive rights for the exploitation of Russian baux processes within Germany;

(Exh. 15, NI-4971, D.B. 64, E.p.1, G.p. 1 and
Exh. 1186, NI-6736, D.B. 64, E.p.4, G.p. 4).

In the Continental Oil Corporation, Farben held a share of only about 4%, but the defendants Baetefisch and Krauch were members of the Supervisory Board, along with a cast of some twenty of the most important economic leaders of Nazi Germany, including Funk. The Farben director Ernst Rudolf Fischer was a member of the Board of Directors. Fischer received Goering's special permission to "purchase the existing partially damaged [Russian oil] plants as well as the areas in which the deposits [of oil] were situated, together with their installations".

(Exh. 1565, NI-2023, D.B. 64, E.p.22, G.p.27;
Exh. 1566, NI-8453, D.B. 64, E.p.29, G.p.37; and
Exh. 1567, NI-10162, D.B. 64, E.p.32 sequ., G.p.39/58).

It should be noted that the I.M.T., when finding Funk guilty of committing war crimes and crimes against humanity, emphasized the fact that he

"participated in the economic exploitation of occupied territories. He was President of the Continental Oil Company which was charged with the exploitation of the oil resources of occupied territories in the East." (p.306)

So great were Farben's zeal and initiative that it sent experts to Russia even before the factories to be seized had fallen into German hands.

(Exh. 1189, NI-4960, D.B. 64, E.p.12, G.p.11).

Farben's main office in Frankfurt sent circular letters to its representatives asking them "to be on the alert" when places set forth in the letter were occupied by German troops: such places including factories not only in Leningrad and Moscow, but also in Aserbeidshan, Kasachstan, and even Siberia.

(Exh. 1187, NI-7468, D.B. 64, E.p. 5, G.p. 5).

As early as 10 July 1941, i.e., less than three weeks after the assault on Russia started, defendant Ilgner instructed Dr. Gierlichs to work out "suggestions for the reorganization of Russian enterprises under German leadership".

(Exh. 1176, NI-1334, D.B. 63, E.p.45, G.p.40).

Significantly Ilgner added: "on the pattern of Aussig/Falkenau". As we know from other documents to be discussed later in connection with Czechoslovakia, Aussig-Falkenau stood for bringing plants under Farben domination by first appointing a Farben employee as commissioner and later acquiring "title".

Poland.

16. Almost as ruthless and unequivocal was the Nazi policy against Poland.

(See, for example, the sequestration and confiscation decrees, in our exhibits 1125-1128, document numbers NI-4602, NI-4603, NI-4600, and NI-4601, all in D.B. 55, E.p.1-21, G.p.1-31).

These decrees were accessible to everybody in Germany and particularly known to these defendants. They were partly published in the Official German Law Gazette. Poland was referred to therein as "the former Polish State" and her citizens as "the nationals of the former Polish State". The activity of the agency in charge of Polish spoliation, the Main Trustee Office East, was widely

known. It was made the subject of a comprehensive article in the "Frankfurter Zeitung" of 22 February 1941, which in turn was condensed from Goering's magazine "The Four Year Plan".

(Exh. 1131, NI-3742, D.B. 55, E.p.27, G.p.39).

Again, Farben not only fully cooperated but even outstripped the German Army by coveting the Polish chemical plants before they had fallen into German hands. We have shown that as early as September 7/14, 1939, defendants von Schnitzler and Haefliger and other Farben officials contacted the Reich Ministry of Economics; suggested that I.G. Farben be appointed trustee of the main dyestuff factories of Poland; pointed to the fact that one of the factories (Boruta) was controlled by the Polish State and that another factory was owned by a Jewish family (Wola, owned by Szpilfogel). Schnitzler came to Berlin personally in order to win over the Ministry for his plan.

(Exh. 1138, NI-8487, D.B. 55, E.p.54, G.p.85 and Exh. 1139, NI-2749, D.B. 55, E.p.56, G.p.87).

When two Farben directors were finally appointed (Schwab and Schoener), the Ministry made it clear that they were trustees of the German Reich.

(Exh. 1140, NI-1093, D.B. 55, E.p.60, G.p.94).

Still, Farben went on considering them its own representatives. See Szpilfogel's affidavit, Exh. 1159, NI-10416, D.B. 56, E.p.26a, G.p.60a, and his testimony, tr.pp.2632 and 2651. Note also Farben's letter:

"From the stocks of the former Polish dyestuffs plants Wola Krzystoporska ... which has been closed down, and is administered by Farben (sic!) as trustee, quite a series of products are available which we may take over." (emphasis ours)

(Exh. 1157, NI-7371, D.B. 56, E.p.22, G.p.54).

We have shown that, from the outset, Farben felt that, as a matter of course, the entire Polish industry was to be subjugated to Germany in her aggressive wars - without any regard to the needs of the Polish population. A most informative report in this respect is defendant Wurster's letter to defendant Buergin of 23 November 1939, reporting on his inspection of some chemical industrial plants in Poland at the end of October 1939.

(Exh. 1134, NI-1149, D.B. 55, E.p.34, G.p.54).

In a report on each of about ten factories, Wurster recommends either closing down the factory and dismantling its equipment and shipping it to Germany; or continuing operations on the spot in the German interest. One typical suggestion (D.B.55, E.p.42, G.p.69):

"The plant is not well situated with regard to transport facilities. It is recommended that dismantling should be speeded up and that the apparatus should be utilized in Germany as far as possible; the stocks are, of course, likewise to be taken away immediately."

Farben knew and emphasized that the Polish dyestuff factory Boruta was virtually State-owned, (Exh.1139,D.B.55, E.p.51, G.p.89). Note also Farben director Kuepper on cross examination (tr.p.2918) and Farben director Eckert on cross examination (tr.p.3169). While the Hague Convention, in the case of real estate publicly owned by the occupied country, strictly limits the occupying power to the usufruct (Annex, Art.55), Farben on its own initiative tried to, and finally did, acquire title to the Boruta property including the real estate, thereby withdrawing this plant from its rightful owner on a permanent basis.

(Exh. 1144, NI-2998, D.B. 55, E.p.71, G.p.109;
Exh. 1145, NI-1198, D.B. 55, E.p.73, G.p.110;
Exh. 1146, NI-8382, D.B. 55, E.p.78, G.p.119
(Reichsfuehrer of SS (Himmler) agrees to Farben acquiring Boruta); and
Exh. 1150, NI-6831, D.B. 56, E.p. 4, G.p. 4).

In the case of the Wola plant, von Schnitzler was acquainted with the founder and owner of the plant, Dr. Szpilfogel. Schnitzler also knew that the owner was confined to the ghetto together with his entire family.

(Exh. 1155, NI- 707, D.B. 56, E.p.19, G.p.51).

Untouched by the owner's fate, Farben was only interested in acquiring - and, again, did acquire - parts of the Wola equipment which were shipped to Farben plants in both Germany and Poland.

(Exh. 1159, (quoted above), NI-10416, D.B. 56, E.p.26a, G.p.60a;
Exh. 1153, NI-8397, D.B. 56, E.p.15, G.p.47;
Exh. 1154, NI-8378, D.B. 56, E.p.17, G.p.49;
Exh. 1157, NI-7371, D.B. 56, E.p.22, G.p.54; and
Exh. 1628, NI-12394, D.B. 56, E.p.25, G.p.58).

Farben also acquired equipment of a third Polish factory, Winnica,

(Exh. 1160, NI-8396, D.B. 56, E.p.27, G.p.61;
Exh. 1161, NI-8400, D.B. 56, E.p.29, G.p.63; and
Exh. 1626, NI-8398, D.B. 56, E.p.29a, G.p.63a).

50% of the capital stock of Winnica was owned by the French. This was the subject of another act of spoliation,

(Exh. 1163, NI-8394, D.B. 56, E.p.32, G.p.67 and
Exh. 1164, NI-6941, D.B. 56, E.p.35, G.p.70).

Finally, we have shown that, in the case of the Blyzin plant, Farben just took away the equipment and then billed itself by sending itemized vouchers to the OKH. The vouchers gave the name of the "debtor", I.G. Farben, in print.

(Exh. 1168, NI-6064, D.B. 56, E.p.89, G.p.129).

Hence, this procedure of just seizing equipment in Poland, and then billing itself, had become a matter of routine for Farben.

— The evidence mentioned has not only established the fact that the Nazi Government, in violation of the laws and customs of war, confiscated virtually the entire

property of both the Polish State and its citizens, but also that, in many cases here involved, Farben actively participated and even incited the Government to action. The rights of the rightful owners were no matter of concern. They might have been deported, enslaved, confined to ghettos or concentration camps. It was only their property which counted, and in the seizure of this Farben played a most active part. We may take up the rhetorical question put by Military Tribunal No. II in its opinion and judgment of 3 November 1947, in the so-called Pohl case, on page 57 of the official English mimeographed copy:

" By what process of law or reason did the Reich become entitled to 100 million Reichsmark worth of personal property owned by persons whom they had enslaved and who died, even from natural causes, in their servitude? ... and when it is organized and planned and carried out on a 100 million Reichsmark scale, it becomes an aggravated crime, and anyone who takes part in it is a criminal." (our emphasis)

As to the "process of law or reason", Farben did not worry. Certainly some of the Farben directors in charge, among them Eckert and Kuepper, had their doubts. See the affidavit of Kuepper (Exh. 1167, NI-8783, D.B. 56, E.p. 87, G.p. 126) and the affidavit of Eckert (Exh. 397, NI-7367, D.B. 56, E.p. 84, G.p. 121), as well as his cross examination (tr.p. 3171). These officials discussed this question with other Farben people, among them von Schnitzler (Eckert's affidavit, just cited). But in spite of that, "Farben took the initiative in connection with the acquisition of the Polish enterprises (Eckert affidavit, just cited), thereby making itself a confederate in spoliation.

Alsace-Lorraine.

17. Again, in the case of Alsace-Lorraine the Nazi Government sequestrated French property.

(Exh. 1213, NI-2567, D.B. 61, E.p. 1, G.p. 1, and
Exh. 1214, NI-8484, D.B. 61, E.p. 5, G.p. 4).

Farben, again, was most anxious to get its share.

Farben particularly coveted a chemical factory operated by the "Société des Produits Chimiques et Matière Colorantes de Mulhouse" which, in turn, was owned by French chemical concerns, among them the Etablissements Kuhlmann. Farben, at this time, negotiated with the French parent corporations, i.e., with the rightful owners, in order to conclude the "Francolor" deal (discussed below). But it seemed easier to acquire the plant in Alsace from the German sequestrator. In fact, Farben first became the lessee of, and then acquired title to, that plant by just dealing with the German Chief of Civil Administration in Alsace.

(Exh. 1217, NI-8483, D.B. 61, E.p. 15, G.p. 15, and
Exh. 1218, NI-8482, D.B. 61, E.p. 23, G.p. 30).

Exh. 1218 just cited shows how closely the confiscation of the French plant by the Nazi Government and its acquisition through Farben were inter-connected. The preamble of the contract between Farben and the Chief of the Civil Administration in Alsace refers to the "prerequisite" of Farben's purchase, i.e., the decree of the Chief of the Civil Administration confiscating the plant for the German Reich. This decree is attached to the contract, and is dated 23 June 1943, while Farben's purchase contract is dated 14 July 1943. As it appears therefrom, the Nazi Government finally confiscated the plant in order to make Farben its owner.

18. The record shows that Farben also acquired oxygen and acetylene plants in Alsace and Lorraine which were seized by the Nazi Government. The evidence particularly shows Farben's initiative. For example, note Mayer-Wegelin's circular letter of 21 January 1941, whereunder Farben's subsidiary was

"taking steps in our [Farben's] name to lease oxygen plants in Luxembourg, Lorraine, and Alsace. These are oxygen and acetylene plants, formerly in French or Jewish hands ... We aim at securing lease contracts with transfer of ownership at a later date."

(Exh. 1223, NI-8156, D.B. 61, E.p.39, G.p.59).

Farben encountered many difficulties in this case. As one of the Farben agents reported:

"the transfer arrangements for the Diedenhofen factory in accordance with the lease contract submitted are unfortunate insofar as this lease contract effects the first transfer of a factory of Lorraine, to I.G. of all people, the biggest German concern."

(Exh. 1219, NI-8360, D.B. 61, E.p.29, G.p.46.

See also

Exh. 1226, NI-8162, D.B. 62, E.p. 1, G.p. 1, and
Exh. 1229, NI-8156, D.B. 62, E.p.14, G.p.18).

But again, as the evidence has established, Farben was successful in leasing and acquiring title to some of the plants.

(Exh. 1222, NI-8164, D.B. 61, E.p.38, G.p.57,
and

Exh. 1228, NI-8372, D.B. 62, E.p. 6, G.p. 9;
Lease contract concerning Diedenhofen plants.

Also,

Exh. 1235, NI-8358, D.B. 62, E.p.24, G.p.29,
Acquiring title to Strassbourg-Schiltigheim plant).

The document cited above (Exh. 1235) again shows that the confiscation of said Schiltigheim plant perpetrated by the Nazi Government and the acquisition of the confiscated plant by Farben were virtually one and the same act. The contract between the Chief of Civil Administration and Farben is dated January 7, 1944 (Book 62, E.p.24) which, of course, means that the drafts were made some time before

that date. The first paragraph of this contract (p.26) refers to "the attached order of the Chief of the Civil Administration in Alsace of 30 November 1943" according to which the plant was transferred to the German Reich. That means that, in order to transfer the French plant to Farben, the German Reich had to confiscate it first, Farben immediately stepping in as the confiscator's successor in "title". Even after the Nazi Government, under a new decree, had blocked the acquisition of property in Lorraine by German firms (Exh.1215, NI-8209, D.B. 61, E.p.6, G.p.5), Farben made efforts to be exempted and to acquire more plants. It went so far as to suggest that it would hold the auditor personally responsible because, by delaying the audit of the plant involved, he prevented Farben from acquiring title before blocking was effective.

(Exh. 1231, NI-10612, D.B. 62, E.p.17, G.p.20, and Exh. 1233, NI- 8211, D.B. 62, E.p.20, G.p.23).

B. SPOILIATION CASES APPARENTLY LEGAL IN FORM (Austria, Czechoslovakia, Norway, France).

19. The second group of spoliation cases concerns countries like Austria, Czechoslovakia, Norway, and France, where our evidence has shown that more "refined" methods were resorted to. The comparatively simple way of the German Reich confiscating property, and Farben acquiring such confiscated property directly from the Reich, was not available here. It is the type of cases which the Inter-Allied Declaration of 5 January 1943, (Exh.1057, NI-11378, RB.52 describes as "cunningly camouflaged financial penetration" and also as "transactions apparently legal in form" which "purport to be voluntarily effected". Again, it was the outspoken policy of the Nazi Government to subjugate the industries of these countries, to use them for the German war machine, and to make them a pliable part of the industry

in a German-dominated Europe. This Government policy was well expressed by Farben director Terhaar at that time:

"All the European industries are to be organized, each in its own time, into such planned cartels, voluntarily linked together, in order to regulate, within this organization, the production and the market under German management, and in accordance with German interests".

(Exh. 1052, NI-6840, D.B. 57, E.p.26, G.p.24).

The defendant Schnitzler put it this way later:

"Beginning with the peaceful conquest of Austria and Czechoslovakia (Sudetenland) and continuing with the military conquest of the remainder of Czechoslovakia, Poland, Norway, Holland, Belgium, and France (with the peaceful conquest of Denmark following in between) and also in regard to the South-Eastern countries, it was the primary purpose of the German government to incorporate the economies of these countries to the purposes of Germany. This undoubtedly meant that these countries must work for the German war machine. I.G. also acted in accordance with this slogan."

(Exh. 1083, NI-5194, D.B. 56, E.p.43, G.p.80).

20. Having thus established the over-all Nazi scheme of European spoliation and Farben's knowledge thereof and participation therein, we shall now consider the gist of the evidence submitted, separately for each country (Austria, Czechoslovakia, Norway, France), under the following aspects:

- (a) Farben's participation in, and suggestions for, the subjugation of the industry of the country involved;
- (b) Farben's initiative including instigation of more drastic measures to be taken by the Nazi Government in order to increase the pressure, and to make more tense the general situation of threat and intimidation, created by the belligerent occupation;
- (c) Farben's "negotiations" with the victims;
- (d) the victims' reaction;
- (e) the "purchase" price and the results.

Austria.

21. We have shown that, after Austria fell

victim to Nazi aggression, Farben, as early as 9 April 1938, submitted a letter to the notorious Keppler, then in charge of Austria's economy, which was styled "New Order of the Chemical Big Industry in Austria".

(Exh. 1040, NI-4024, D.B. 52, E.p.24, G.p.33, and Exh. 1076, NI-9631, D.B. 52, E.p.107, G.p.137).

Farben described the two Austrian chemical firms which "take by far the lead with respect to both volume and importance of their production", the Carbidwerk Deutsch-Matrei and the Pulverfabrik Skoda-Wetzler A.G., and pointed out how important it would be to have them both combined in Farben's hands. The over-all purpose, furthering the Four-Year Plan, was duly stressed. But Farben's attempt was the more difficult as the Nazi Government had just promulgated a decree which forbade the acquisition of Austrian enterprises by German firms.

(Exh. 1058, NI-8041, D.B. 52, E.p.1, G.p.1).

Therefore, ideas which would flatter Nazi "idealism" as, e.g., the aspect of Aryanization, were brought to the fore (Exh.1040, D.B.52, E.p.26, G.p.34). Dealing with Skodawerke Wetzler A.G. and Deutsch-Matrei separately, we can summarize the evidence as follows:

Pulverfabrik Skodawerke-Wetzler A.G.

22. It has been shown that, Farben had tried for a long period to acquire a stock majority in Skoda-Wetzler.

(Exh. 1070, NI- 2798, D.B. 52, E.p. 78, G.p. 94;
Exh. 1069, NI- 9289, D.B. 52, E.p. 55, G.p. 75;
Exh. 1067, NI-10998, D.B. 52, E.p. 48, G.p. 67; and
Exh. 1068, NI-10997, D.B. 52, E.p.51/52, G.p.70/71).

Both Skoda-Wetzler itself and its parent corporation, Oesterreichische Creditanstalt, had flatly refused to part with their majority - as long as they could afford to voice any opinion at all, i.e., up to March 12, 1938. The correspond

ence exchanged in the two months' period immediately preceding the Anschluss does not admit of any doubt as to the owner's attitude.

(Exh. 1060, NI-7388, D.B. 52, E.p.30, G.p.38;
Exh. 1061, NI-7394, D.B. 52, E.p.32, G.p.40; and
Exh. 1063, NI-7389, D.B. 52, E.p.37, G.p.46).

In weighing this correspondence, it must be borne in mind that even at that time, i.e., in the beginning of 1938, German pressure in Austria was tremendous. Attempts to force the Anschluss were being made continually. If such Anschluss were ever to materialize, the managers of Skoda-Wetzler A.G. who, for the most part, were Jews,

(Exh. 1040, NI-4024, D.B. 52, E.p.26, G.p.34, and
Exh. 1067, NI-10998, D.B. 52, E.p.49, G.p.68)

had to face annihilation. In spite of all that, they still refused to part with the stock majority in Skoda-Wetzler. We have also shown that, as soon as Austria was subjugated, the Creditanstalt gave up resistance.

(Exh. 1071, NI-3982, D.B. 52, E.p.90, G.p.120,
(the date of this letter, March ~~20~~²⁹, 1938, should be noted)
Exh. 1072, NI-3981, D.B. 52, E.p.96, G.p.127a).

See also Haeffliger's affidavit, speaking of the days after the Anschluss:

I was advised "that Mr. Johan had not been willing in the past to part with the majority of these shares but only with a part of it. However, time was evidently working for Dr. Ilgner. With the fast growing, in fact revolutionary, unrest in Austria, the completion of the deal must have become very urgent for Mr. Pollack and Mr. Johan."

(Exh. 1084, NI-8456, D.B. 53, E.p.34, G.p.35).

Farben, thereupon, acquired the enterprise.

(Exh. 1077, NI- 9624, D.B. 52, E.p.111, G.p.141;
Exh. 1079, NI-11259, D.B. 52, E.p.113, G.p.143; and
Exh. 1082, NI- 7395, D.B. 53, E.p. 2, G.p. 2).

How the rightful owners felt about it, is also shown by the affidavits of Johan who was up to the Anschluss Director General of Oesterreichische Creditanstalt, and of Rottenber

who, at that time, was President of the Pulverfabrik Skodawerke-Wetzler A.G. and, at the same time, member of the Vorstand of Oesterreichische Creditanstalt.

(Exh. 1067, NI-10998, D.B. 52, E.p.47, G.p.66 and Exh. 1068, NI-10997, D.B. 52, E.p.51, G.p.70).

The first affidavit also emphasizes the disproportionately low purchase price (Exh. 1067, D.B.52, E.p.49, G.p.69).

It also appears from the evidence submitted that many leading directors of both Skodawerke-Wetzler A.G. and Oesterreichische Creditanstalt, in the days immediately following the Anschluss, were either murdered by the Nazis (Pollack), or arrested (Rottenberg), or dismissed (Englaender), or reduced to lower positions (Joham). Either Farben employees (Guenther Schiller) or party officials (Dr.Pfeiffer) took their place.

(Exh. 1067, NI-10998, D.B. 52, E.p.47, G.p.66 and Exh. 1068, NI-10997, D.B. 52, E.p.51, G.p.70).

And finally we have shown how Farben used its connections with high Nazi officials in order to attain its purpose.

(Exh. 1065, NI- 1135, D.B. 52, E.p. 43, G.p. 53; Exh. 1064, NI-10421, D.B. 52, E.p. 41, G.p. 51; and Exh. 1072, NI- 3981, D.B. 54, E.p.1/2, G.p.2/3).

In spite of the general atmosphere of intimidation and chaos, the Oesterreichische Creditanstalt, at least during the first month following the "Anschluss", found a way of expressing its true feelings about the sale imposed on it. It pointed to the fact that before the Anschluss "the majority of the shares [in Skodawerke-Wetzler] were to be left to the Creditanstalt" but that:

"In the course of the discussions which have been carried on in the last few days, it has been shown that as a consequence of the change of situation this cooperation can only be effected if consideration is given to the wish of the I.G. Farben to take over definitely a controlling majority in the shares of the gunpowder factory."

(Exh. 1071, NI-3982, D.B. 52, E.p.93, G.p.124 the official letter of Creditanstalt to the Ministry of Commerce and Communications in Vienna which had to approve the transfer).

Carbidwerk Deutsch-Matrei and
Austrian Dynamit Nobel A.G.

23. We have shown that both corporations were owned (100%) by the Czech Dynamit Nobel A.G., Bratislava, the leading figure in which was Mr. Erwin Philipp.

(Exh. 1088, NI-9593, D.B. 53, E.p.68, G.p.65).

Since Philipp is dead, we do not know the details of the "negotiations". We do know, however, that here again Farben in order to reach its goal adopted and used for its own ends a low outgrowth of Nazi ideology by advancing the argument that the two corporations, if not now sold to Farben would be considered Jewish enterprises.

(Exh. 1089, NI-8588, D.B. 53, E.p.71, G.p.103).

We also know that, as a matter of fact, Farben received the two enterprises for no consideration at all. As the evidence shows, the enterprises had continually paid dividends at a certain rate.

(Exh. 1089, just quoted, and
Exh. 1091, NI-9630, D.B. 53, E.p.77, G.p.111).

Under the contract, Farben was to go on paying the fixed amount of the usual dividend for 25 years, and, in turn, to receive the enterprises at once, giving nothing else in return.

(Exh. 1090, NI-8349, D.B. 53, E.p.73, G.p.106, and
Exh. 1091, NI-9630, D.B. 53, E.p.78, G.p.111).

Economically, this is the same situation as if one were to acquire a \$1,000 bond bearing 3% interest, maturing in 25 years, by just paying to the "seller", up to maturity, the 3% interest he would have received anyhow, and getting the \$1,000 principal for no consideration whatsoever.

Though the Sudetenland was already out off from Czechoslovakia at that time, the Czech National Bank in Prague was still courageous enough to reject the application for a license which was required before this deal

could be consummated.

(Exh. 1096, NI-8586, D.B. 53, E.p.95, G.p.135).

Before the Nazi Government to which Farben applied at once could use its efforts in order to have the Czech Government change its attitude,

(Exh. 1097, NI-9629, D.B. 53, E.p.99, G.p.139).

~~As~~ Czechoslovakia was dismembered, the new Slovak puppet government did not hesitate to grant the license.

(Exh. 1098, NI-8634, D.B. 53, E.p.101, G.p.141).

As a result of the two transactions, Farben dominated the most important part of the Austrian chemical industry which it then merged into one big combine, Donau-Chemie Aktiengesellschaft, according to plan.

(Exh. 1099, NI-9625, D.B. 53, E.p.102, G.p.143).

The Articles of Incorporation of the new combine, dated 17 January 1939, provided:

"The contracting parties shall conduct their business in such a way that it is possible for each and all of the contracting parties to fulfill the tasks set them by the incorporation of Austria into the German Reich and by the Four-Year Plan as rapidly and with as great a regard for the economy as possible."

(Exh. 1099, NI-9625, D.B. 53, E.p.102, G.p.143).

Czechoslovakia.

24. In the case of the Aussig and Falkenau plants, located in Sudetenland and owned by the Prager Verein in Prague, we have shown that Farben thoroughly prepared itself, as early as spring 1938, for the forced incorporation of Sudetenland into Germany. On 2 April 1938 defendant Haefliger sounded out State Secretary Keppler in Vienna "on the attitude of the German authorities as to exerting influence on enterprises in Sudeten-Czechoslovakia"

(Exh. 1072, NI-3961, D.B.54, E.p.2, G.p.3).

The minutes of a Farben conference in Berlin on Czechoslovak

held on 23 May 1938 contain a complete Aryanization program for Farben's enterprises in Czechoslovakia. The minutes also state:

"It seemed expedient to begin immediately and with the greatest possible speed to employ Sudeten-Germans for the purpose of training them with I.G. in order to build up reserves to be employed later in Czechoslovakia". (our emphasis)

(Exh. 833, NI-6221, D.B. 54, E.p. 8, G.p. 9).

This program was discussed at the next meeting of the Commercial Committee, and the minutes of the earlier Berlin conference were distributed to all participants which included the defendants Gattineau, Haeffliger, Ilgner, Kugler, Schmitz, and von Schnitzler. There was a specific "discussion of the situation and of the measures to be taken, particularly with regard to the Aussig Verein".

(Exh. 1612, NI-6073, D.B. 46, E.p.34a, G.p.39a)

See also Frank-Fahle's testimony on Farben's objectives, tr.p.2034. Farben also suggested, on 23 September 1938, i.e. about one week before the Munich Agreement that two leading Farben officials, the defendants Wurster and Kugler, should be appointed Commissars for the Aussig plant.

(Exh. 1044, NI-3721, D.B. 51, E.p.116, G.p.118).

Farben succeeded in having one of its candidates, the defendant Kugler, appointed as one of two Commissars of the Aussig and Nikenau plants immediately after Germany occupied the Sudetenland.

(Exh. 1120, NI-11376, D.B. 54, E.p. 87, G.p.147).

We have also shown that acquiring title to the plants was not easy in this case because another German firm having high connections, the Chemische Fabrik von Heyden, was also anxious to buy them.

(Exh. 1107, NI-4016, D.B. 54, E.p.39, G.p.37).

Since it was not certain which Government contacts would be the better ones, the two candidates finally agreed that they should acquire the plants on a share and share alike basis, with Farben becoming the exclusive owner of the dyestuff branch.

(Exh. 1108, NI-10402;
Exh. 1109, NI-10401; and
Exh. 1110, NI-10407,
all of which are in D.B. 54, E.pp.44-56, G.pp.44-56).

Only after they had distributed the plants between themselves and secured the approval of the Nazi Government, the rightful owner, the Prager Verein, was contacted.

(Exh. 1112, NI-9169, D.B. 54, E.p.59, G.p.59).

The evidence has established that the Prager Verein was well aware of the danger of losing its most important plant. The new administration to which Kugler belonged had already started to dismiss employees of Czech or Jewish origin on a large scale.

(Exh. 1120, NI-11376, D.B. 54, E.p.87, G.p.147 and
Exh. 1624, NI-12396, D.B. 54, E.p.90a, G.p.162a).

It has been shown that, in this plight, the Prager Verein contacted the German firm Huetgers-Werke, which it believed was friendly, in order to reach a formal agreement protecting the two plants.

(See Dvoracek affidavit,
Exh. 1123, NI-9632, D.B. 54, E.p.126, G.p.191 and
his testimony, tr., p.3496 sequ.
See also Mueller's affidavit,
Exh. 1124, NI-11445, D.B. 54, E.p.130/131, G.p.198/199,
and his testimony, tr., p.3424 sequ.)

It was to no avail. Farben together with von Heyden acquired title to the plants Aussig and Falkenau.

(Exh. 1113, NI-10581, D.B. 54, E.p.61, G.p.60 and
Exh. 1116, NI-1139, D.B. 54, E.p.73, G.p.73).

What the rightful owners thought about this sale, how they opposed it, how they judged the purchase price they received and also the entire atmosphere of the negotiations, appears

most clearly from the affidavit of one of the leading men in the Prager Verein, Jan Dvoracek,

(Exh. 1123, NI-9632, D.B. 54, E.p.126, G.p.191).

Nor did Dvoracek conceal his feelings under cross examination before the Tribunal. (tr., p.3512 sequ.).

Norway.

25. Farben's plan for the complete economic domination of another country has nowhere been expressed more bluntly than in the case of Norway. We have shown the overall scheme in one short phrase out of Farben director Moyer-Kuester's report:

"In Norway all factories and mining concessions owned by British or French nationals will be sequestered and the Norwegian economy will be mobilized to work for us." (our emphasis)

(Exh. 1192, NI-6089, D.B. 65, E.p.35, G.p.71/72).

Farben's own suggestions appear from its Norwegian New Order report. "The incorporation of Norway into the system of continental European economy, headed by Germany" is the general purpose followed through in the report in all detail

(Exh. 1191, NI-7784, D.B. 65, E.pp.3-4, G.p.3).

Farben's suggestions contained in the chart which is part of the New Order report are particularly illustrative (E.pp. 8-21). Again, the goal pursued by both the Nazi Government and Farben was twofold: first, the exploitation of Norway's industry for the German war machine (waging aggressive wars against other countries) and, when the victory had been won, the colonization of Norway's economy.

In order to strengthen the German Air Force the plan was made to construct light metal plants in Norway, mobilizing Norway's industrial capacities for this purpose, and to produce the vital materials for air planes, aluminum and magnesium, on the largest scale.

(Exh. 585, NI-8033, D.B. 65, E.p.36, G.p.73;
Exh. 1193, NI-8079, D.B. 65, E.p.43, G.p.87/88; and
Exh. 1197, NI-8146, D.B. 65, E.p.54, G.p.104).

Farben lawyer Mayer-Wegelin reported:

"The Reich Marshal [Goering] wrote to General von Hennecken ... that the Fuehrer had given orders for the Norwegian aluminum capacities to be reserved for the requirements of the Luftwaffe." (Last citation above).

This was the immediate war aim (26 infra). But in preparing the future "peace time economy" to be headed by Germany, the opportunity was also to be used to gain decisive influence in Norway's most important industrial enterprise, Norsk Hydro (27 infra).

(Exh. 1204, NI-9088, D.B. 65, E.p.73/74, G.p.132/133).

In both schemes Farben cooperated wholeheartedly, and partly took the initiative.

26. A corporation was to be created to take charge of the new light metal production (later organized according to plan and styled Nordisk Leichtmetall A/S). Defendant Buergin, reporting on his discussion with defendant Krauch, pointed to the possibilities now open to Farben in Norway in alluring terms.

"In view of the significance of the entire light-metal field, not only for war, but also, and more particularly, for peace developments, ... we believe that ... Farben should declare this field fully and entirely its zone of interest and decide for participation on a large scale." (our emphasis).

(Exh. 586, NI-8034, D.B. 65, E.p.41, G.p.81).

In order to exploit Norwegian economy to the full, the co-operation of the Norsk Hydro company was to be secured.

(Exh. 586, NI-8034, D.B. 65, E.p.42 (3rd par.),
G.p.81 (last par.)).

Farben's Commercial Committee discussed how the huge funds required for the new light metal production (estimated to amount up to 1 billion Norwegian Kronors) were to be financed, to a substantial extent, by Norway itself. The

defendants Haefliger, Ilgner, Kugler, Mann, Oster, Schmitz, von Schnitzler participated in this meeting.

(Exh. 1623, NI-9360, D.B. 65, - K.A. Meeting of
18 March 1941).

In this way, Norwegian capital was to be strained in order to perpetuate the subjugation of Norway.

As to the purpose of the new corporation there was no doubt. We have pointed to Farben's letter to the Reich Air Minister, where Farben itself stated that the light metal plant in Norway was erected "in the interest of German armament".

(Exh. 1199, NI-9143, D.B. 65, E.p.61, G.p.116).

The share in the new corporation was the subject of bitter fighting between Farben on one side, the German Reich and its agencies on the other, and some more industrial German corporations in between.

(Exh. 1195, NI-9145, D.B. 65, E.p.50/51, G.p. 99, and
Exh. 1208, NI-2712, D.B. 65, E.p.95/96, G.p.144/145).

Farben pointed to the fact that it had started negotiations with Norsk Hydro first, and that therefore it should be given control (Exh. 1195, just cited). Other arguments for Farben's claim to leadership were also advanced.

(Exh. 586, NI-9034, D.B. 65, E.p.41, G.p.80).

Finally, the parties agreed that the new corporation should be owned in the proportion of 1/3 each by three partners: Farben, the German Reich or its agencies, and Norsk Hydro. This plan was carried through.

(Exh. 1195, NI-9145, D.B. 65, E.p.51, G.p. 99;
Exh. 1208, NI-2712, D.B. 65, E.p.86, G.p.145; and
Exh. 1209, NI-6349, D.B. 65, E.p.96, G.p.155).

Apart from the other advantages which were to result from the light-metal production, (Exh. 586, last citation but three), Farben was to receive license fees payable by the German Wehrmacht through the new corporation. According

to the estimate of the parties, the payments would amount to many million Reichsmark yearly.

(Exh. 1196, NI-8087, D.B. 65, E.p.52, G.p.101).

27. As a matter of fact, as the evidence shows, Norsk Hydro's one third share in the new light metal corporation was another victory for Farben. Up to 1939, there was no capital stock participation in Norsk Hydro by any German group except for about 25% owned by Farben (including I.G. Chemie, Basel).

(Exh. 1201, NI-8089, D.B. 65, E.p.65, G.p.124 and
Exh. 1208, NI-2712, D.B. 65, E.p.85, G.p.144).

Farben also had its representative, defendant Schmitz, in Norsk Hydro's Supervisory Board. After the occupation of Norway another Farben representative, defendant Oster, was also appointed to this Board.

(Exh. 312, NI-9756, Book 11, E.p.168).

The majority, in excess of 60%, was held by French stockholders, partly represented by the Banque de Paris et des Pays-Bas, who also were the original subscribers to the stock.

(Exh. 1210, NI-6762, D.B. 65, E.p.100, G.p.160 and
Exh. 1208, NI-2712, D.B. 65, E.p. 98, G.p.147).

In order to turn the French majority into a German one, the scheme carefully planned and meticulously carried through was to increase the capital stock of Norsk Hydro and to allocate part of the new stock (43.05%), in such a way as to deprive the old French stockholders of their preemptive rights.

(Exh. 1201, NI-8089, D.B. 65, E.p.65, G.p.124).

The "legal" basis for this procedure was a provision in Norsk Hydro's Articles of Incorporation which permitted such irregular distribution if it was "in the best interest

of the company".

(Exh. 1202, NI-10163, D.B. 65, E.p.69, G.p.128).

In the balance of the new capital stock (about 57%) the French stockholders could not participate because the German did not allow them to use their Norwegian Kronor balances to pay for such stock. They, therefore, had to "sell" their preemptive rights to a German bank representing Farben, the German Reich, and the Norwegian group.

(Exh. 1206, NI-9036, D.B. 65, E.p.78/79, G.p.138/139 and Exh. 1208, NI-2712, D.B. 65, E.p.87, G.p.146/147).

In turn, the French stockholders were paid French Francs. Such a payment clearly falls into the category of fictitious consideration described by the I.M.T. (p.240). In the words of Ilgner, the French stockholders or the Banque de Paris et des Pays-Bas representing them

"chose this alternative as the lesser evil, and because, in the last analysis, I.G. Farben participated and advised the bank to agree. At least, they wanted I.G. Farben to participate in the building up of the new Norsk Hydro plant; I think they were afraid that, if they objected, the Reich Air Ministry would enter into the contract directly with Norsk Hydro".

(Exh. 1209, NI-6348, D.B. 65, E.p.96, G.p.157).

The evidence has established that the over-all result of these transactions was a German majority in Norsk Hydro, with I.G. Farben having the leading part within the German group.

(Exh. 1207, NI-8449, D.B. 65, E.p.81/82, G.p.141/142).

Norsk Hydro had become, as Farben itself called it, an enterprise under German "control".

(Exh. 1199, NI-8143, D.B. 65, E.p.82, G.p.116).

The entire transaction is an example of what the Inter-Allied Declaration calls "cunningly camouflaged financial penetration", (Exh.1057, D.B.52). Accordingly, a French court, in 1946, on motion of the French Government representative, has applied to this entire complex the French decrees on spoliation based on said Inter-Allied Declaration (Exh. 1212, NI-10640, D.B. 65, E.p.104, G.p.164).

France.

28. Even before France asked for an armistice, Farben was requested by the Nazi Government, on 19 June 1940, to submit a survey of the dyestuff industries in European countries, and they were also told:

"If Farben had any special suggestions to make with regard to the lines on which the manufacture of dyestuffs was to be organized in future in the countries in question, it would be useful if they would bring them forward on this occasion."

(Exh. 1048, NI-6842, D.B. 57, E.p. 9, G.p. 8 and Exh. 1049, NI-4897, D.B. 57, E.p.11, G.p.11.)

As to the purpose of the Nazi Government, von Schnitzler has stated:

"The plan (the New Order on France) should be as comprehensive and as thorough as possible and ... the point of view of the authorities should, under all circumstances, be respected, namely by far-reaching guarantees through a reliable German control to achieve the best possible strengthening of the German militaristic potential." (our emphasis)

(Exh. 1056, NI-5195, D.B.58, E.p.167, G.p.181).

The defendant von Schnitzler has also said:

"From the very first, the Nazi Government had made it clear that it wanted to use the French industry for warfare." (our emphasis)

(Exh. 1269, NI-5193, D.B. 58, E.p.154, G.p.168).

Going far beyond its assignment and using a great number of its staff, Farben prepared detailed and comprehensive reports on the complete subjugation and colonization of the entire chemical industry in all countries on the European continent.

(Exh. 918, NI-6293, D.B. 57, E.p.12, G.p.12, and Exh. 1622, NI-9288, D.B. 57- K.A.meeting 18/19 July 1940).

Farben did not confine itself to the dyestuff industry only but covered most of the other chemical and related fields, among them pharmaceuticals, photographica, plastics, aromatic substances, artificial fibers, nitrogen,

and nitrogen products. These reports were significantly called "New Order". We have presented the "New Order" France, as Exh. 1051, NI-11252, D.B.51, E.p.155, G.p.466. Farben generally proceeded on the assumption that

"participation in the French market - the remaining colonies, protectorates, and possible mandated territories included - corresponding to the importance of the German chemical industry is to be built up and maintained"

and that

"this aim can be achieved only by a fundamental change in the forms and media of French commercial policy in favor of German imports".

(Exh. 1051, just cited, E.p.179, G.p.552).

We have shown that Farben discussed its New Order reports, particularly the French one, with the Government authorities concerned, among them: the Reich Ministry of Economics; Envoy Hannon, head of the Economic Delegation of the Armistice Commission; and different branches of the German Military Government in France.

(Exh. 1052, NI-6840, D.B. 57, E.p.22 sequ., G.p.19 sequ.).

Farben director Terhaar, according to his file memo of 7 August 1940, explained to a member of the German Military Government in France that Farben

"considered France not only as a model for the plans on countries asked for by the Reich Minister of Economy which will follow shortly, but above that as a classic example of the whole factual consideration to be done in connection with large-scale area planning."

(Exh. 1052, NI-6840, D.B. 57, E.p.29, G.p.26).

From the same report we know the statement made to Farben by a member of the Reich Ministry of Economics:

"It is actually a matter of course that, on the basis of Germany's superiority from the angle of power politics, the economic and political superiority of Germany over France, to be firmly steered by Germany, should be established once and for all." (our emphasis)

(Exh. 1052, just cited, E.p.24/25, G.p.21/22).

The economy of France, according to this program, was not to be crippled but restored on a sound basis and "subordinated in every case to German interests" (E.p.25, G.p.22).

Francolor.

29. In the "New Order" concerning dyestuffe, Farben claimed a 50% participation in the entire dyestuff industry of France. For this purpose the important French concerns would have to transfer their dyestuff plants to one big combine.

(Exh. 1051, NL-11252, D.B. 51, E. p.181, G. p.559).

The record shows that Farben, to attain this goal, used elaborate and efficient tactics in order to bring the owners of the French dyestuff industries to their knees. The plight of the French industry which resulted from the defeat was exploited to the full. Part of Farben's tactics were to sit back and refuse negotiations to have the French "winners in their own juice".

(Exh. 1259, NL-5193, D.B. 58, E. p.134, G. p.138;
Exh. 368, NL-6161, D.B. 57, E. p. 52, G. p. 59; and
Exh. 1243, NL-6946, D.B. 57, E. p. 55, G. p. 63).

The Nazi Government (Rudolf Heide) agreed to these tactics.

(Exh. 1241, NL-6839, D.B. 57, E. p. 45, G. p. 51).

But Farben did not confine itself to mere standing by. They approached different branches of the Nazi Government and asked the men in charge: (a) to disallow the resumption of production by the French dyestuff industry.

(Exh. 1243, NL- 792, D.B. 57, E. p. 49, G. p. 56 and
Exh. 1241, NL-6839, D.B. 57, E. p. 45, G. p. 51).

(b) to withhold the allocation of raw materials.

(Exh. 1242, just cited, E. p. 49, G. p. 56 and
Exh. 1241, just cited, E. p. 44, G. p. 50).

(c) to hamper inter-zonal intercourse, i.e., imports and exports between occupied and unoccupied France.

(Exh. 1249, NL-6947, D.B. 57, E. p.115, G. p.124).

By these methods Farben "starved out" the French completely. At the same time the Nazi Government sequestered one of the dyestuff factories, Villers St. Paul, which belonged to one of the coveted concerns.

(Exh. 1240, NL-4894, D.B. 57, E. p. 30, G. p. 29).

When the French were finally deemed to be ripe for negotiations, Farben suggested to the Government that discussions should now be taken up

with the French at Wiesbaden.

(Exh. 1244, NI- 879, D.B. 57, E. p.58, G. p.65).

The meetings at Wiesbaden on 21 and 22 November 1940 show the atmosphere of threat and intimidation staged by Farben.

Compare the stenographic report signed by Schoene with the minutes signed by von Schnitzler.

(Exh. 1246, NI-6727, D.B. 57, E. p. 77, G. p. 90 and
Exh. 1247, NI-6838, D.B. 57, E. p.100, G. p.106).

As it appears from the latter report, Farben had now increased its "claim" in the French dyestuff industry from 50% to a clear-cut majority of 51% since the time of its New Order report of August 1940.

(Exh. 1247, just cited, E. p.107, G. p.114).

The treatment of the French and their desperate reaction are best shown by the contemporaneous reports of Farben's Paris representative, Dr. Kraner.

(Exh. 1249, NI-6947, D.B. 57, E. p.113, G. p.120 and
Exh. 1248, NI-3707, D.B. 57, E. p.110, G. p.117).

The last exhibit quotes the remark by Duchemin, representative of Etablissements Kuhlmann, that he would rather see his hand cut off than give in to Farben's claim. But Farben remained implacable. The pressure increased.

(Exh. 1249, NI-6947, D.B. 57, E. p.113, G. p.120/121).

Finally the French yielded and entered into the so-called "Francolor" Convention.

(Exh. 1255, NI-6845, D.B. 58, E. p. 35, G. p.41).

Under this agreement the entire French dyestuff industry was to be merged into a new combine known as Francolor. Farben was given the 51% participation it claimed. In fact, the agreement not only comprised the dyestuff industry, but also other French industries of high importance, *es. s. p.* plastics.

(Exh. 329, NI- 807, D.B. 58, E. p.22, G. p.29).

The evidence already quoted shows how thoroughly Farben achieved its purpose. In its New Order report Farben listed the nine most important French firms in the dyestuff field. Omitting from this list No. 6,

which was partly Swiss-owned, and also No. 9, which we were not able to trace and which, obviously, was of minor importance, the table below shows what happened to the French dyestuff industry under the Francolor Convention and in consequence of the spoliation committed in Alsace (see par. 17, *supra*, p.20).

Before World War II.

(Taken from Farben's New Order report, Exh.1051, NI-11252, D.B.51, E.p.168; G.p.510).

After the Francolor Convention.

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------------------|
| 1. Compagnie Nationale de Matières Colorantes et Manufactures de Produits Chimiques du Nord réunies Etablissements <u>Kuhlmann</u> , Paris. (Plants at Villers-St-Paul and Cisse) | 1.) | |
| |) | Absorbed by |
| 2. Société Anonyme des Matières Colorantes & Produits Chimiques de St. Denis, Paris. (Usine Poirrier). | 2.) | Francolor, 51% owned by I.G. Farben |
| |) | |
| 3. Compagnie Française de Produits Chimiques et Matières Colorantes de <u>Saint-Clair-du-Rhône</u> , Paris. (Factory at Saint-Clair-du-Rhône) | 3.) | |
| |) | |
| 4. Société des Produits Chimiques et Matières Colorantes de <u>Mulhouse</u> , Paris. | 4. | Sold to I.G. Farben by German Chief of Civil Administration, Alsace (Exh.1218, NI-8482, D.B. 51, E.p.23, G.p.30). |
| 5. Etablissements <u>Steiner</u> , Vernon | 5. | Has to discontinue manufacture of dyestuff products: Francolor Convention, Article 22. |
| 7. Mabboux & Camell, Lyon. | 7.) | "Purely and simply closed down", Francolor |
| 8. Société des Matières Colorantes Croix-Wasquahal (Barel), Roubaix. | 8.) | Convention, Art. 22 (Exh.1255, NI-8845, D.B. 58, E.p.53, G.p.60) ^{3/} |

3/ The English translation in D.B.58, p.52 ("purely and simply stopped") is not quite correct.

30. Farben's 51% in Francolor was evaluated at 408 million French francs.

(Exh. 1255, NI-6845, D.B. 58, E.p.56, G.p.65).

Farben "paid" this amount in such a way that it did not harm Farben and gave little benefit to the French sellers. As appears from Exh. 1255, just cited, (E.p.39, G.p.45), Farben delivered to the French owners 12,750 shares of its own (Farben's) stock which amounted to about 1% of Farben's capitalization at that time. While such a share did not give any influence, let alone control to the French companies, it did not represent in their hands a realizable capital asset either, since the French firms were not allowed to dispose of the stock except among each other.

(Exh. 1255, just cited, E.p.39, G.p.45).

31. Of course, Farben was then fully aware of how the French felt. In the words of Farben's Paris representative Krauer, ~~the French felt:~~

"the German-French agreement came into being under pressure of certain circumstances, and was unavoidable in occupied France" (our emphasis).

(Exh. 1252, NI-6726, D.B. 58, E.p. 9, G.p.16).

The French managed to insert in the preamble of the Francolor Convention their last week protest indicating the circumstances under which they were compelled to act. Though, of course, the language was not too offensive to the Germans, it still clearly shows the fact of the pressure under which they had been put.

(Exh. 1255, NI-6845, D.B. 58, E.p.35, G.p.41).

See also defendant Kugler's affidavit.

"It is true perhaps that this preamble was not particularly agreeable to us; however, we had to put up with it."

(Exh. 1258, NI-4670, D.B. 58, E.p.129, G.p.130).

32. As the evidence has established, the entire Francolor agreement was spoliative in its scheming, its scope, and the manner of its execution. So was the result. In the K.A. meeting of 16 February 1942, von Schnitzler reported "on the situation with respect to Francolor, and on the intention to use the factories in Northern France in the armament program".

(Exh. 1622, NI-9288, D.B.57).

That the intention was carried through has been shown by the minutes of the Enlarged Farben Committee of 10 March 1942 (Exh. 1260, NI-4846, D.B. 59, E.p.183, G.p.205).

Rhone-Poulenc.

33. With some minor deviations, the Francolor scheme repeats itself in the case of the pharmaceutical industry of France: Rhone-Poulenc and Socsa. As to the importance of Rhone-Poulenc, Farben's Vowl stated:

"Practically speaking, Rhone-Poulenc obtained ... a monopoly in the French home market for many products, especially in the pharmaceutical field".

(Exh. 1262, NI-7992, D.B. 59, E.p. 2, G.p.1/2).

Again, the record shows Farben's aggressive intentions, first expressed in the New Order.

(Exh. 1061, NI-11252, D.B. 51, E.pp.171,193, particularly pp.194-5; G.pp.521,594,587/8, 590).

Again the Nazi Government fully agreed. The record shows the statement of Dr. Michel (German War Administration Counsel in Paris) to the Farben delegation headed by defendant Mann. Michel's "fundamental principle" was that the

"historical chance of adjusting French economy to German requirements through appropriate interference in the French economic system must be utilized completely and to the full".

(Exh. 1241, NI-6839, D.B. 59, E.p. 8, G.p.10).

The evidence has established Farben's determined efforts to intimidate and threaten Rhone-Poulenc, and for this

purpose, to use Government pressure.

(Exh. 1241, just cited, E.pp.6,8,11; G.pp.8,10/11,14 and Exh. 1263, NI-10399, D.B. 59, E.p.20, G.p.29).

Since Rhone-Poulenc had one of its most important factories in unoccupied France (Exh.1241, just cited, E.p.6, G.p.8), Farben prepared and submitted to the Government a memorandum stating how, by way of a license system, indirect pressure could be used (E.p.11, G.p.14). The purpose again, as in the Francolor case, was to win for Farben a 51% participation in Rhone-Poulenc itself.

(Exh. 1242, NI - 792, D.B. 57, E.p.49, G.p.56).

In order to intimidate Rhone-Poulenc, huge indemnity claims without any real basis were resorted to. We have shown through defendant Mann's admission that

"there was no question of any infringement by the French in general or by Rhone-Poulenc".

(Exh. 1283, NI-8538, D.B. 60, E.p.45, G.p.49).

See also the New Order report.

(Exh. 1051, NI-11252, D.B. 51, E.p.171, G.p.521).

After the French defeat, however, when starting discussions with Rhone-Poulenc, defendant Mann took the position that Rhone-Poulenc's conduct in the past would have "serious repercussions" because of the damages Farben had suffered thereby.

(Exh. 1255, NI-8612, D.B. 59, E.p.26, G.p.35).

The trade name "Aspirin" which was used by Rhone-Poulenc played a particular part, though here again the New Order report and defendant Mann's admission clearly show that Rhone-Poulenc was fully within its rights in using said trade name. See Mann's statement:

"As regards the name 'Aspirin' in particular, it was likewise not protected in France nor could it be protected. Everyone in France had the right to use the name 'Aspirin', and to sell 'Aspirin'."

(Exh. 1283, cited above, E.p.45, G.p.49).

To make the threat more effective defendant Mann also indicated that the German Government was planning a new patent law for France.

(Exh. 1265, NI-8612, D.B. 59, E.p.26, G.p.35).

Indeed, as appears from the New Order and other Farben documents submitted, Farben itself was urging the Nazi Government to promulgate such a law with retroactive effect, and even prior to a final peace treaty.

(Exh. 1051, NI-11252, D.B. 51, E.pp.171,193;G.pp.521,584
Exh. 1267, NI- 7654, D.B. 59, E.p.31, G.p.41; and
Exh. 1268, NI-10471, D.B. 59, E.p.50, G.p.30).

The record also shows how defendant Mann skilfully interwove the proposed patent law with Farben's "right to considerable damages and interest payments" (Exh.1265, cited above).

He also indicated that

"an amiable agreement ... would offer the advantage of regulating a more favorable future (for Rhone-Poulenc) than would result from the conditions of a peace treaty with its impositions".

(Exh. 1264, NI-8613, D.B. 59, E.p.23, G.p.32).

That there existed pre-war agreements between Farben and Rhone-Poulenc which were strictly adhered to by Rhone-Poulenc did not bother Farben. It just suggested to the Nazi Government in its New Order report that such contracts should be "abrogated" since they were "concluded under political and economic circumstances different from those existing at present".

(Exh. 1051, NI-11252, D.B. 51, E.p.194, G.p.589).

In spite of well-timed threats and tactics of intimidation which coincided with the general anxiety and despair prevailing in France after the armistice, Rhone-Poulenc was not willing to yield. It not only rejected Farben's participation in Rhone-Poulenc itself; it also turned down Farben's secondary idea to organize a joint sales company with a 51% share for Farben.

(Exh. 1266, NI-6800, D.B. 59, E.p.28, G.p.37, and
Exh. 1269, NI-7629, D.B. 59, E.p.55/56, G.p.89).

But then defendant Mann, who in fact was acting on his own initiative without any governmental order,

"announced that he must return his assignment to the German Government as a failure; and hinted that the French side might later on regret its neglect of using the opportunity afforded by our present willingness to come to terms."

(Exh. 1265, NI-8612, D.B. 59, E.p.26, G.p.35).

On the strength of this threat Rhone-Poulenc gave in by suggesting it should pay Farben annual "license" fees.

(Exh.1269, last citation but one). Farben agreed. The contract, dated 30 December 1940, was entered into for 50 years.

(Exh. 1271, NI-6944, D.B. 59, E.p.68, G.p.103).

The first three years alone netted Farben in excess of 42 million French Francs for absolutely nothing. The figures appear from a French judgment applying to these "license" fees the Inter-Allied Declaration of 5 January 1943 (referred to supra). The French court termed these payments as "actually a tribute".

(Exh. 1284, NI-6978, D.B. 60, E.p.58, G.p.60).

We have shown in connection with spoliation in Austria and with the Francolor agreement that Farben's victims, independent of each other, tried to express their protest in a preamble or in an accompanying letter (para.22 and 31, supra). The strongest protest of this kind has been shown in the Rhone-Poulenc case where the French company, using blunt language, makes it clear that Farben's reference to the German Government and its alleged attitude was controlling in bringing about Rhone-Poulenc's decision.

(Exh. 1274, NI-7647, D.B. 60, E.p.3, G.p.3).

The preamble to the "license" agreement itself is a step in the same direction (Exh. 1271, NI-6944, D.B.59, E.p.68, G.p.103).

34. As one of Farben's Paris representatives reported on 9 January 1941, the manager of Rhone-Poulenc commented on this agreement in a conference he had with a member of the German Military Government as follows:

"... Rhone-Poulenc had contacted the competent (French) Government agencies which, however, were not inclined to favor a joint sales company with 'Bayer' majority but consider the license agreement on the present basis to be the lesser evil". (our emphasis).

(Exh. 1272, NI-7646, D.B. 59, E.p.74/75, G.p.112).

35. Contrary to the hope fostered by the French Government and Rhone-Poulenc, the latter company had not redressed itself by this "license" agreement. Discussions aiming at Farben's participation in Rhone-Poulenc went on.

(Exh. 1276, NI-7635, D.B. 60, E.p.9/10, G.p.10).

Again, Rhone-Poulenc partly yielded by giving Farben a share in an affiliate, S.A. Theraplix, the capital stock of which was increased to 50 million Francs and which was to be operated as a joint sales company.

(Exh. 1276, just cited, and
Exh. 1277, NI-7640, D.B. 60, E.p.17, G.p.18).

"The reason", according to the comment given by one of Farben's Paris representatives, "for this unconditional and unexpectedly speedy agreement ... probably lies in the fact that the Frenchmen were opposed to our wishes in regard to participation and regarded these joint firms to some extent as the lesser evil". (our emphasis).

(Exh. 1276, NI-7635, D.B. 60, E.p.10, G.p.11).

Even now, however, Rhone-Poulenc was not willing to have Farben participate in the joint sales company which was imposed on it, to the extent of more than 49%. The evidence has established that here a further element enters the picture, the element of deceit. Rhone-Poulenc was misled into believing that Farben and Rhone-Poulenc were each to

take over 49%, while a French national introduced by defendant Mann, M. Faure-Beaulieu, was to acquire 2%. The truth, carefully concealed from both Rhone-Poulenc and the French Government, was that Farben, from the outset, also acquired and paid for the 2% outwardly taken over by Faure-Beaulieu.

(Exh. 1278, NI-7178;
Exh. 1279, NI-7179;
Exh. 1280, NI-1119;
Exh. 1281, NI-1933; and
Exh. 1292, NI-8370,
all of which are located in D.B.60, E.pp.28-37,
G.pp.29-40.

The Theraplix agreement itself is attached to the last Exhibit 1282).

The last cited exhibits also show that Farben paid (i.e., for the 49% in Theraplix which it took over openly) about 28 million French Francs via the so-called clearing account which, in the words of the I.M.T., "was an account merely in name" (p.240). We have also shown that the judgment of the Cour d'Appel de Paris of 4 June 1946, already referred to (Exh. 1284), declared the Theraplix agreement between Farben and Rhone-Poulenc nil and void since it constituted an act of spoliation.

(E N D)

Case 6
Prosecution

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRANZ and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF
OF THE PROSECUTION

PART III

SLAVERY AND MASS MURDER

- A. ROLE OF FARBEN IN SLAVE LABOR PROGRAM
- B. USE OF POISON GAS AND MEDICAL
EXPERIMENTATIONS UPON ENSLAVED
PERSONS
- C. FARBEN AT AUSCHWITZ

13 December 1947



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Part III

SLAVERY AND MASS MURDER

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C O U N C I L I I I
S L A V E R Y A N D M A S S M U R D E R

I. THE LAW

A. Control Council Law No. 10.

1. The applicable provisions concerning the crimes alleged herein are found in Article II, para. 1 of Control Council Law No. 10, including subsections:

- (a) Crimes against Peace
- (b) War Crimes
- (c) Crimes against Humanity

The legal references below are of assistance either as parts of the applicable international law or are useful in interpreting and applying the Control Council Law.

B. Legal References

2. Charter of the International Military Tribunal

(a) Article 6 (b)

Violations of the laws or customs of war, involving, inter alia, murder, ill-treatment, deportation to slave labor of the civilian population of or in occupied territory.

(b) Article 6 (c)

Crimes against humanity, involving, inter alia, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population before or during the war.

3. Regulations annexed to Hague Convention IV of 1907 respecting the laws and customs of war on land.

(a) Article 6

"The tasks (of prisoners of war)....shall have no connection with the operations of war."

(b) Article 23 (h)

"....a belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country.....".

(c) Article 44

"Family honor and rights, the lives of persons (of occupied territory)....must be respected."

(d) Article 52

"Requisitions in kind and services shall not be demanded from.....inhabitants except for the needs of the army of occupation....."

(e) See also Articles 3, 4, 5, 7, 14, 18 and 43.

4. Prisoner of War Convention (Geneva, 1929)

(a) Article 27

"Belligerents may utilize the labor of able prisoners of war, according to their rank and aptitude, officers and persons of equivalent status excepted.....Non-commissioned officers who are prisoners of war shall only be required to do supervisory work unless they expressly request a remunerative occupation....."

(b) Article 29

"No prisoner of war may be employed at labors for which he is physically unfit."

(c) Article 30

"The length of the day's work of prisoners of war, including therein the trip going and returning, shall not be excessive and must not, in any case, exceed that allowed for the civil workers in the region employed at the same work...."

(d) Article 31

"Labor furnished by prisoners of war shall have no direct relation with war operations. It is especially prohibited to use prisoners of war for manufacturing and transporting material intended for combatant units."

(e) Article 32

"It is forbidden to use prisoners of war at unhealthful or dangerous work."

(f) See also Articles 2, 3, 4, 6, 9-15, 23, 25, 28, 33, 34, 46-48, 50, 51, 54, 56, 57, 60, 62, 63, 65-68, and 76.

5. Vol. II, Oppenheim, International Law, 3d Ed., p. 240

".....there is no right to deport inhabitants to the country of the occupant, for the purpose of compelling them to work there. When during the

World War (the first one) the Germans deported to Germany several thousands of Belgian and French men and women, and compelled them to work there, the whole civilized world stigmatized this cruel practice as an outrage."

6. Vol. VI, Hackworth, Digest of International Law, p. 399

The Department of State instructed the United States Charge d'Affaires in Germany on 29 November 1918 to repeat the text of the following telegram verbatim to the German Chancellor:

"The Government of the United States has learned with the greatest concern and regret of the policy of the German Government to deport from Belgium a portion of the civilian population for the purpose of forcing them to labor in Germany, and is constrained to protest in a friendly spirit, but most solemnly, against this action, which is in contravention of all precedent and of those humane principles of international practice which have long been accepted and followed by civilized nations in their treatment of non-combatants in conquered territory."

7. Bonfils, Droit International Public, 2d Ed., Par. 1212.

"The occupant may not requisition the delivery of engines of war. It can confiscate them if there are any, but it cannot compel the inhabitants to produce or assemble them. It cannot force the inhabitants to take part even indirectly in acts of war of their enemies."
(Translation supplied)

C. Slave Labor as a Crime against the Peace

8. As stated in paragraph 84 (b) of the indictment, the acts and conduct set forth in Count III of the indictment, relating to slavery and mass murder, were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. In this connection, the IMT in its Judgment quoted the testimony of Hermann Goering as follows:

"We did use this labor for security reasons so that they would not become in their own country and work against us. On the other hand, they served to help in the economic war. Workers were forced to come to the Reich. That is something I have not denied." (p. 281 - our emphasis)

The manpower of the occupied countries was forcefully required to assist in the waging of aggressive war and in the preparation of those aggressive wars which followed upon the invasion of Poland.

With respect to prisoners of war, the IMT found:

"Allied prisoners of war were also regarded as a possible source of labor. Pressure was exercised on non-commissioned officers to force them to consent to work, by transferring to disciplinary camps those who did not consent. Many of the prisoners of war were assigned to work directly related to military operations, in violation of Article 31 of the Geneva Convention." (p. 246 - our emphasis)

One of the defendants in this case, KRAUCH, was instrumental in the origin of the Nazi policy of employing prisoners of war in the armament industry in furtherance of the waging of war. The quotation below is taken from a letter of 20 October 1941, from Kirchner (of KRAUCH's office) to General Thomas, Chief of the Office of Military Economy and Armament in the High Command of the Wehrmacht:

"During my visit, Professor KRAUCH developed an idea concerning the employment of Russian POW's in the armament industry, for the further development and, especially, the execution of which he considers you, dear General, to be the right man." (our emphasis)

(Exh. 473, EC-489, D.B. 67, E. p. 9, G. p. 8)

With respect to the recruitment of concentration camp labor during the war, the IMT stated:

"The concentration camps were also used to increase the supply of labor. Concentration camp commanders were ordered to work their prisoners to the limits of their physical power. During the latter stages of the war the concentration camps were so productive in certain types of work that the Gestapo was actually instructed to arrest certain classes of laborers so that they could be used in this way." (p. 246).

Even the extermination of human beings was related to the question of their utility to the German war machine. As the IMT stated in talking about "useless eaters" in connection with the slave labor program:

"The victims were not confined to German citizens but included foreign labor, who were no longer able to work and were therefore useless to the German War machine." (p. 247).

9. The entire slave labor program thus constituted part of the waging of wars of aggression. Since slave labor was employed before the initiation of all the wars of aggression (IMT, p. 212 and p. 214), these acts were also integral parts of the preparation for further aggressive wars. For both reasons the acts and conduct set forth under Count III of the indictment fall within the scope of Article II, paragraph 1 (c) (Crimes against the Peace) of Control Council Law No. 10.

D. Slave Labor as War Crimes and Crimes against Humanity

10. The acts and conduct alleged under Count III are also charged as war crimes and crimes against humanity (Indictment, para. 120) as defined in Article II, Control Council Law No. 10. Article II, para. 1 (b) covers war crimes and para. 2 (c) covers crimes against humanity. These charges involve enslavement and deportation to slave labor of the civilian population of countries under the belligerent occupation or otherwise controlled by Germany; enslavement of concentration camp inmates; the use of prisoners of war in war operations; and mistreatment and murder of enslaved persons. These charges are also in violation of the laws and customs of war as set forth in international treaties, agreements and assurances, including the pertinent provisions of the Hague Convention of 1907 and the Geneva Convention of 1929 listed above under "Legal References."

11. The provision of Control Council Law No. 10 on war crimes and crimes against humanity are generally similar to Article 6 (b) and (c), respectively, of the Charter of the IMT. The provisions of the Charter of the IMT are made integral parts of Control Council Law No. 10 (see Article I). In construing war crimes, the IMT relied not only upon Article 6 (b) of the Charter, but also

the codification of international law found in various articles of the Hague Convention and the Geneva Convention (pp. 243 and 253).

12. Crimes involving slave labor were found by the IMT to be both war crimes and crimes against humanity (p. 254). The attention of the Tribunal is also drawn to the finding of Tribunal No. II (Milch Case) in its decision of 16 April 1947 which found the defendant Milch guilty of crimes by his participation in the Nazi slave labor program:

"Our conclusion is that the same unlawful acts of violence which constituted war crimes..... also constitutes crimes against humanity."

Concerning the crime of "involuntary servitude" and slavery, Tribunal No. II in Case No. IV (Pohl Case) stated the following in its judgement of 3 November 1947:

"We have witnessed a strange anomaly in this case. Defendants and their witnesses have bowed their heads in profound shame at the evidence of mass murder and wholesale extermination, but as to the cruel enslavement of whole races, they evidence little or no feeling of guilt or culpability whatever.....

"Slavery may exist even without torture. Slaves may be well fed and well clothed and comfortably housed, but they are still slaves if without lawful process they are deprived of their freedom by forceful restraint. We might eliminate all proof of ill-treatment, overlook the starvation and beatings and other barbarous acts, but the admitted fact of slavery - compulsory uncompensated labor - would still remain. There is no such thing as benevolent slavery. Involuntary servitude, even if tempered by humane treatment, is still slavery." (Transcript, pp. 8065 and 8066, our emphasis).

II. THE FACTS AS ESTABLISHED UNDER COUNT III-A, "ROLE OF FARBER
IN SLAVE LABOR PROGRAM"

A. Involuntary Servitude.

13. A decree dated 26 October 1939 introduced compulsory labor in Occupied Poland:

(Exh. 1298, NI-4310, D.B. 57, E.p. 49, G.p. 54).

With respect to the time when foreign laborers were first deported under compulsion to Germany the IMT found:

"By the middle of April 1940 compulsory deportation of laborers to Germany had been ordered in the Government General; and a similar procedure was followed in other Eastern territories as they were occupied". (p. 244).

14. In speaking of the total numbers of slave laborers involved in Germany's slave labor program, the IMT quoted a statement of Sauckel, Germany's Plenipotentiary for Manpower Utilization after March 1942:

"During the first two years of the German occupation of France, Belgium, Holland, and Norway, however, an attempt was made to obtain the necessary workers on a voluntary basis. How unsuccessful this was may be seen from the report of the meeting of the Central Planning Board on 1 March 1944. The representative of the Defendant Speer, one Koehrl, speaking of the situation in France, said: 'During all this time a great number of Frenchmen was recruited, and voluntarily went to Germany.'

"He was interrupted by the Defendant Sauckel: 'Not only voluntary, some were recruited forcibly.'

"To which Koehrl replied: 'The calling up started after the recruitment no longer yielded enough results.'

"To which the Defendant Sauckel replied: 'Out of the five million workers who arrived in Germany, not even 200,000 came voluntarily' . . ." (p. 244).

The IMT found that about five million persons were deported to Germany to serve German industry and agriculture (p. 243).

15. Sauckel was appointed Plenipotentiary General for the Utilization of Labor on 21 March 1942. On 7 May 1942 he issued Regulation No. 4 regarding the mobilization of labor. This regulation was even published in books by the Central NSDAP Publishing House. It stated:

"The recruitment of foreign labor will be done on the fundamental basis of volunteering. Where, however, in the occupied territories the appeal for volunteers does not suffice, obligatory service and drafting must be under all circumstances resorted to . . ."

(Exh. 1301, 3044-PS, D.B. 67, E.p. 58, G.p. 82).

Concerning the involuntary nature of the slave labor program, the IIF also found:

"That conscription was the rule rather than the exception . . . (p. 245).

"That the conscription of labor was accomplished in many cases by drastic and violent methods. The mistakes and blunders were on a very great scale. Manhunts took place in the street, at motion picture houses, even at churches and at night in private houses." (p. 345).

B. Knowledge of Involuntary Servitude

16. Naturally the employment of nearly five million persons under conditions of involuntary servitude was bound to be known by everybody in Germany. The fact that this troubled the conscience of many Germans, and hence that many of them were reluctant to discuss openly this modern slavery is beside the point. Ernst Struss, Director of Farben's TZA Office has said:

"I did not talk to anybody about the fact that foreigners were brought to Germany against their will, but I was convinced that everybody knew it. Everybody in Germany knew it since the capture of Kiev, on the beginning of 1942 . . ."

(Note: Kiev was captured November 1941)

(Exh. 1318, HI-4999, D.B. 66, E.p. 22, G.p. 30).

These defendants were in a particularly good position to know far more than the average German knew about the nature of the Reich slave labor program. The fact of common knowledge of the involuntary nature of the employment of the foreign laborers is shown by admissions made by a number of these defendants, some of which are quoted below:

(a) KRAUCH has stated:

"I was aware of the fact that from 1942 on workers

were recruited in occupied countries on an involuntary basis."

(Exh. 481, NI-2972, D.B. 22 and 58, E.p. 94, G.p. 116).

(b) SCHNEIDER has said:

"I was informed of the fact that the work done by Eastern and to some extent also by Western workers had to be looked upon as forced labor . . . I was told that in the occupied Eastern territories (Russia and Poland) people were collected in the streets and deported to Germany in bands. I also know that Eastern workers had no working contracts of any kind . . .; that a Western worker after expiration of his contract regardless of his own wishes, had to remain in Germany for more work; that a Western worker who went home in spite of that was brought back to work in Germany by force."

(Exh. 1328, NI-6848, D.B. 68, E.p. 80, G.p. 98).

(c) BURETFISCH has indicated:

"When . . . from about the end of 1941 Leuna or . . . other works of I.G. Farbenindustrie A.G. made requests for workers to the labor office or to the Regional Labor Office, they were conscious of the fact that these requirements could only be filled by assigning foreign workers, F.W.'s and concentration camp inmates . . .

". . . volunteers, as far as I know, were grouped into two large sections, namely forced laborers (so-called Eastern workers: Poles and Russians) on one hand and so-called free foreign workers (members of other nations) on the other hand. These two groups were housed separately, the forced labor group enclosed in guarded camps which they were only permitted to leave with a pass. Besides, the forced labor group was obliged to wear at all times a badge affixed to their clothing with the lettering "Ost" in the case of Russians and "P" in the case of Poles. The duties of guarding the camps were performed by the industrial police who originally had been armed with clubs and afterwards, . . . with guns. Moreover, the industrial police also used watchdogs.

"In 1940 or 1941 . . . I saw for the first time concentration camp inmates at work in Leuna . . . I recognized the inmates from their striped clothing and from the fact that they were guarded by SS troops . . .

"I have also seen concentration camp inmates at work in the following plants of the I.G. Farben: Hoydebreck, Schkopau and Wolfen or Bitterfeld. In general the Betriebsführer concerned made reports to the Vorstand in regard to the assignment and employment of concentration camp inmates, although an official approval was not required for each individual case."

(Exh. 1334, NI-6220, D.B. 69, E.p. 9, G.p. 11)

(d) WON SCHNITZLER has stated:

"It was clear that many thousands of laborers from the East (Ostarbeiter) were employed in I.G. plants and that they had not come to Germany voluntarily . . .

"Most Germans, and I included, were aware that many foreign workers, and particularly the Ostarbeiter, had been taken away from their homes and their countries against their will . . ."

(Exh. 1324, NI-5190, D.B. 68, E.p. 56, G.p. 60).

(e) LAUTENSCHLAGER has stated:

"In the course of time I came to know that the major part of the Russian workers were not recruited on a voluntary basis, but were simply seized on the basis of a roster and deported for work to Germany . . .

"I also know that so-called Western workers were working in Germany under compulsion . . ."

LAUTENSCHLAGER also said:

"When the question of hiring foreign labor became acute at Koechst, I, of course, had to get, in principle, the approval of the head of my Sparte (Sparte II, Dr. Fritz ter MEER) . . ."

(Exh. 1358, NI-6416, D.B. 69, E.p. 113, G.p. 144).

17. Farben's own records, made in the course of its business, show the knowledge of these defendants and the extent to which Farben employed slave labor:

(a) An original TEA chart entitled "Personnel Trend"

(Belegschaftsbewegung) indicates Farben's personnel strength (from 1 June 1929 to 1 October 1944). This chart shows that the number of foreign workers increased from 8,800 in 1941 to 62,800 in October 1944; prisoners of war increased from 1,600 in 1941 to a high of 12,300 in August 1944; the group consisting of concentration camp inmates, loan workers, etc., increased from 4,000 in 1942 to a high of 13,700 in August 1943 with 10,900 employed in October 1944. Whereas the total number of Farben employees increased from 50,000 in 1933 to 118,700 in 1941 and finally to 180,800 in October 1944, the number of German employees decreased from 108,300 in 1941 to 97,500 in October 1944. As of October 1944 approximately

50% of Farben's employees were composed of foreigners, prisoners of war, and the group consisting of concentration camp inmates, loan workers, etc.

(Exh. 1557, NI-3761-A, D.B. 66, inserted after E.p. 11, G.p. 13)

(Exh. 1558, NI-11411-A, D.B. 68, inserted after E.p. 12, G.p. 14)

(b) Two other original TEA charts entitled "Workers" (Arbeiter) give the employment figures for each of the principal Farben plants or combines as of 1 August 1944 and 1 October 1944. These charts cover the following plants or plant combines: Leuna, Ludwigshafen/Oppau, Hoechst, Leverkusen, Bitterfeld/Wolfen, Schkopau, Huels, Wolfen-Pilm, Auschwitz and Heydebreck. The charts show that foreign workers were employed in all of these Farben plants or combines, the percentage of foreigners employed ranging from 33.9% at Hoechst to 53.0% at Auschwitz; that prisoners of war were employed in all the plants shown on the chart dated 1 August 1944 except Heydebreck; and that on the chart dated 1 October 1944 prisoners of war were employed in all the plants including Heydebreck, where a percentage of 10.5% of the total employment consisted of prisoners of war at that time; that the group consisting of concentration camp inmates, loan workers, etc., was employed at all plants shown on the chart dated 1 August 1944, excepting Huels and Heydebreck, and at all plants shown on the chart dated 1 October 1944, excepting Huels, Heydebreck and Schkopau.

(Exh. 1559, NI-3763-A, D.B. 68, inserted after E.p. 15, G.p. 16)

(Exh. 1560, NI-11412-A, D.B. 68, inserted after E.p. 16, G.p. 17)

18. Ernst Struss, Director of the TEA Office, under whose supervision the charts mentioned in the last paragraph above were prepared, has said:

"Bortrans' Office presented the figures which served as the basis for graphs like the above mentioned.

"These categories consist of foreigners (who were further sub-divided into male and female), prisoners of war, and, comprised in one category, workers-on-loan, foreign workers-on-loan, convicts of the armed forces, and inmates of concentration camps. I can say that most of the workers of the last-mentioned category were concentration camp inmates. (Our emphasis)

"The above-mentioned graphs were submitted to TEA and, as a matter of fact, these graphs were to be seen at every meeting of TEA. Such graphs showing the number of workers were important for TEA because TEA computed the distribution of the credits for the new constructions of the various plants on the basis of the number of workers. (Our emphasis)

"These graphs were conspicuously displayed on the walls of the TEA conference room, and every member could look them over personally. In any case I myself gave Herman SCHMITZ a copy of the graphs which were placed before TEA. Plant managers such as GAJEWSKI for Wolfen and AMEROS for Auschwitz based reports on their strength in terms of workers . . .

"The Vorstand met in each case on the day following the TEA meeting . . . ter MEER reported on the matters dealt with by TEA, for the purpose of obtaining the approval of the Vorstand . . . In this way the Vorstand has the advantage of being informed on everything that was discussed by TEA.

"As far as the use of concentration camp workers by I.G. Farben is concerned, I remember that this plan had existed for Auschwitz from the very beginning."

(Exh. 1318, NI-4999, D.B. 68, E.p. 22, G.p. 20).

The following defendants were members of the TEA: ter MEER, chairman; GAJEWSKI, first deputy chairman; HORLEIN, second deputy chairman; AMEROS; BUERGIN; BUSTEFISCH; JAHME; KUEHNE; LAUTENSCHLAGER; SCHNEIDER; WURSTER. The defendants SCHMITZ, von KNIERIEN and von SCHMITZLER all attended the TEA meetings regularly or frequently as guests. All of these defendants excepting DUERRFIELD, GATTINEAU, von der HEIDE and KUGLER were members of the Vorstand. The Vorstand had final approval for credits for new constructions, including the housing of slave labor. For example, these credits amounted up to 75 million Reichmarks annually for a large plant like Leuna. The credits were even larger for Auschwitz.

(Exh. 1318, NI-4999, D.B. 68, E.p. 22, G.p. 20)

19. Manpower problems in Germany during the war were of such urgency that they came to the attention of these defendants in important sub-meetings of the Vorstand as well as at the Vorstand level. For example, it was found out that it was costly to train laborers which had been recruited for Farben in the occupied Western countries, "because people escaped in advance" of being brought to Germany. This problem was discussed in a meeting of the TEKO (Technische Kommission) of which the defendant JAEGER was chairman. The minutes of the TEKO meeting of 14 December 1943 contains the following:

"Reise reports on the retraining of labor, West, in Brussels . . .

" . . . also it has so far not been possible actually to place the retrained laborers in Germany because people escape in advance, in contrast with the experiences of schools . . . which continue to function very well, . . . in Paris as well as . . . Belgium . . . The TEKO members take note of this and endorse the stand that the school program must be continued even in the face of further financial losses . . . (Our emphasis)

(Exh. 1319, HI-4693, D.B. 66, E.p. 31, G.p. 31)

Farben's plans to have similar schools for foreign laborers in the East was partly frustrated, according to the minutes of the same TEKO meeting:

"The school proposed for the East never came into being, due to the course of events in the meantime. It is now proposed to operate it in Auschwitz, for Auschwitz." (Our emphasis)

The defendant ~~Jaeger~~ ^{Jaeger}, chairman of the TEKO, was present at this meeting and copies of the protocol were sent to the TEA Bureau and to members of the TEA (supra, para. 17) with the exception of BUEFELFISCH.

20. Credit requests for the housing of Russian slave workers were channeled upstream from the factory level through the pertinent committees in such a way that most of the Vorstand members

knew all of the details concerning a particular request before it reached the Vorstand lever. Thus, in the Vorstand, such a request could be acted upon with dispatch and any Vorstand member not familiar with the details could readily secure them. For example, a credit request from Schkopau for the housing of 500 Russian workers to replace 1600 drafted personnel of the plant mentions in detail the requirements that must be met for housing the 500 Russian workers, including arrest cells. This request was submitted to SCHNEIDER on 12 October 1942, to the TEKO on 20 October 1942, and was approved by the TEA on 28 October 1942.

(Exh. 1330, NI-2539, D.B. 66, E.p. 44, G.p. 46).

C. Farben Slaves (including prisoners of war) were used in the Armament Industry

21. The chemical industry was naturally considered by the Four Year Plan as an armament industry. This is indicated by a letter of 21 February 1942 from the Labor Allocation Department of the Commissioner of the Four Year Plan to the Reich Ministry for Armament Munitions which was entitled "Utilization of Prisoners of War in the Armament Industry". This letter, in part, states:

"Referring to the approximately 124,000 Prisoners of War employed in the armament industry that figured on the list of the Reich Minister for Labor on 24 January 1942, it is here only a question of those Prisoners of War that are being utilized in the armament factories sponsored by the OKW (Supreme Command of the Wehrmacht), Office for Economy and Armament, i.e. only in one limited sector of the Armament Industry.....Furthermore, it must be taken into consideration that other factories that belong to the armament industry in a wider sense, are also employing large numbers of Prisoners of War, for instance,.....the chemical industry about 15,000....."

(Exh. 1289, NI-1435, D.B. 67, E. p. 16, G. p. 16)

The importance of the utilization of all types of slave laborers to Germany's armament effort is indicated by a letter from the defendant KRAUCH to Kehrl (of the Reich Ministry for Munitions and War Products), dated 13 January 1944. In surveying the accomplishments of armament production made possible by the utilization of slave laborers, KRAUCH wrote:

"May I be allowed to point out, however, that the efforts of my office in such matters as the procurement of foreign labor.....and the employment of certain classes of manpower (prisoners of war, inmates of concentration camps, prisoners, units of the Military Pioneer Corps, etc.), have had an effect upon the speed of progress of chemical production, and upon that production itself, which must not be underestimated. I consider that the initiative displayed by my staff in the procurement of labor, a virtue which has proved its worth in the past, must not be repressed in the future. Heil Hitler. Signed: Dr. Krauch."

(Exh. 477, NI-7569, D.B. 22 and 67, E. p. 27, G. p. 36)

D. Initiative by these Defendants in securing Slaves

22. Eight months before Sauckel was appointed Plenipotentiary General for the Utilization of Labor (21 March 1942), the minutes of the Farben Aufsichtsrat (No. 58, 11 July 1941), indicate that SCHMITZ in his Vorstand report to the Aufsichtsrat stated:

"The works must direct their efforts to obtaining the required manpower. Through foreign workers and prisoners of war the requirements could in general be covered."

(Exh. 1312, HI-6099, D.B. 68, E. p. 1, G. p. 1)

This was about a year and a half after the Decree introducing compulsory labor in Poland (26 October 1939) and also over one year after the date of April 1940 when the LFT found that the compulsory deportation of laborers to Germany had been ordered in the Government General (See para. 13, p. 7, supra). Less than one month after Sauckel's Regulation No. 4, 7 May 1942, (supra) re the mobilization of labor, the minutes of the Farben Aufsichtsrat (No. 60, 30 May 1942), show that SCHMITZ stated the following in his Vorstand report to the Aufsichtsrat:

"The lack of workers, specially skilled labor, had to be compensated by longer working hours, and the employment of women, foreigners and prisoners of war."

KRAUCH was present at this meeting.

(Exh. 1313, HI-6100, D.B. 68, E. p. 7, G. p. 8)

SCHMITZ' mandate was diligently followed throughout Farben. The defendant SCHNEIDER has stated:

"In order to assist and speed up the procurement of labor from the occupied territories for the chemical industry in general, and I.G. Farben in particular, the I.G. sent a number of gentlemen to the countries in question, including Czechoslovakia, France, Italy, and Yugoslavia. This was done by two methods: either the gentlemen.....travelled as representatives of the I.G. and endeavored to obtain as large a number of suitable workers as possible for the I.G..... by negotiating with the German labor allocation offices, or by concluding agreements with foreign firms. Or else the gentlemen were for the duration of the journey appointed so-called officers on the staff of the Plenipotentiary General for special

questions of chemical production,....however, they still continued to receive their salaries from I.G. In this way....a number of gentlemen of I.G. carried out examinations of the Italian chemical industry... to find out, how many workers....one could take away and employ in the German chemical industry. The results of these examinations were described in reports to the Plenipotentiary General for special questions of the chemical production, by whose influence these workers were deported to Germany."

(Exh. 1328, NI-6648, D.B. 68, E. p. 80, G. p. 98)

The defendant KRAUCH has stated:

"It is known to me that the majority of larger plants of I.G. Farbenindustrie A.G. were sending agents and representatives into the occupied countries to recruit labor."

(Exh. 1330, NI-6062, D.B. 68, E. p. 97, G. p. 121)

23. The participation of the defendant KRAUCH in the origin of the program to use prisoners of war in the armament industry has already been referred to (supra, para. 8, p. 4). Not long after KRAUCH made his proposal, General Keitel, Chief of the High Command of the Wehrmacht and the immediate superior of General Thomas, issued a directive, dated 31 October 1941, from Hitler's Headquarters entitled "Use of Prisoners of War in the War Industry". This directive reads in part:

"The Fuehrer has now ordered that even the working power of Russian prisoners of war should be utilized to a large extent by large-scale assignment for the requirements of the war industry." (our emphasis)

(Exh. 1287, EC-194, D.B. 67, E.p. 10, G.p. 9)

KRAUCH's own view of the far-reaching significance of the recruitment of slave labor by his own staff for the chemical industry is indicated by his letter of January 1944 to Kehrl, quoted above, para. 21, p. 15.

24. The determination of Farben leaders "to comb the chemical industry" of Western Europe in order to meet its manpower needs is well illustrated by a series of letters which were written in March of 1943.

(Exh. 1326, NI-681, D.B. 68, E. p. 70, G. p. 77)

One Krause had been given the task of answering certain questions concerning manpower problems on behalf of the Reich Ministry of Economy. He addressed himself to the defendant VON SCHNITZLER. SCHNITZLER passed Krause's letter on to Dr. Bertrams, head of Farben's Büro Bertrams, an agency of Farben concerned with manpower and social welfare problems under the direction of the defendant SCHNEIDER. Bertrams thereafter wrote SCHNITZLER that he had replied to Krause "using the expressions of opinion of the plants at Ludwigshafen, Hoechst, Leverkusen and Louisa." It should be recalled that three of these plants were headquarters of three of the four great Farben works or plant combines, and that Louisa was one of Farben's largest plants. Bertrams forwarded to SCHNITZLER a copy of his reply to Krause. This letter states, in part:

"A raising of efficiency can only be effected if the quality of the foreign workers improves considerably Therefore, it would be necessary to comb the chemical industry in France and Belgium and that the skilled workers who thereby are becoming available will be utilized in the chemical industry." (E. p. 72, G. p. 81, our emphasis)

Significant is the fact that the defendants LURSTER, LAUTENSCHLAGER and KUERNER were the plant leaders (Betriebsfuhrer) respectively of the Ludwigshafen, Hoechst and Leverkusen plants and furthermore, that these three defendants were respectively the heads of the three works combines Upper Rhine, Main Valley and Lower Rhine. The defendant SCHNEIDER, in addition to being plant leader (Betriebsfuhrer) of Louisa, was the chief plant leader (Hauptbetriebsfuhrer) for all Farben plants. Of course, most of the unskilled foreign laborers came from the occupied East.

E. The responsibility of the Vorstand for Labor Relations and Social Welfare under German Law and Practice

25. After the forcible destruction of the trade unions in Germany in May 1933 (IMT Judgment, page 179), Hitler and some of his ministers issued a Decree entitled "Law Regulating National Labor".

(Exh. 393, 1861-PS, D.S. 67, E.p. 184, G.p. 261)

Under this law "the enterpriser (or entrepreneur) works in the factory as the leader (Fuehrer) of the enterprise". The entrepreneur is "responsible for the well-being of the employees and laborers. The employees and laborers owe him faithfulness according to the principles of the factory community. (Para. 2 of the Law). Where the entrepreneur was an A.G. (Aktiengesellschaft, a large stock corporation), the Vorstand (managing board of directors) was the body responsible for labor matters and social welfare. Werner Mansfeld, Ministerial Director of the Reich Labor Ministry has stated:

"An employer in the sense of the Law for the Regulation of Labor is the person or group of persons who determines the economic aim of the business and supplies the technical means necessary for the achievement of that aim." (Our emphasis)

(Exh. 359, NI-7015, D.S. 67, E.p. 145, at p. 148, G.p. 272, at p. 275)

Where there were a number of widely separated plants, the Vorstand normally chose a "plant leader" (Betriebsfuehrer) for the purpose of this law at each plant. But the Vorstand retained the basic responsibility as the enterpriser or entrepreneur. It could:

"at any time modify or rescind the decisions of the plant leader. [It] can remove the plant leader and appoint another who complies more with his instructions.....As the natural plant leader the enterpriser is always the potential leader and can at any time transform his potential leadership into actual leadership by taking over the leadership of the plant.....Even the entrepreneur who is not a member of the plant community [as in the case of the Vorstand, a legal person] is responsible for the welfare of the workers."

(Exh. 1309, 1861-A-PS, D.S. 67, E.p. 137, at pp. 140 and 141, G.p. 264, at pp. 267-269).

In Farben, in addition to the local "plant leaders" (Betriebsfuehrer), there was a chief plant leader (Hauptbetriebsfuehrer), the defendant SCHNEIDER. SCHNEIDER has stated:

".....I had to report regularly to the Vorstand, and each time after important questions of principle regarding social matters had been decided, I cannot remember a single instance in which the Vorstand did not agree with me in my decision."

(Exh. 1328, HI-6848, D.B. 68, E.p. 80, G.p. 98)

26. The principle of Vorstand responsibility for the welfare of Farben's workers has been stated by the defendant KRAUCH:

"The welfare of foreign workers employed by I.G. Farben was part of the responsibility of the Board of Directors (Vorstand)."

(Exh. 481, HI-2972, D.B. 68, E.p. 90, G.p. 109)

As chief plant leader, the defendant SCHNEIDER called meetings of the principal "plant leaders" of the various plants about every three months. The defendant SCHNEIDER states that these conferences were regularly attended by the defendants AMBROS, BUEHRIG, GAJENSKY, ILGNER, LAUTENSCHLAGER, KUEHNE, VON SCHNITZLER, and WURSTER, and occasionally by the defendants DUERNFELD and TER MEER.

(Exh. 1329, HI-6849, D.B. 68, E.p. 90, G.p. 109)

In the same affidavit SCHNEIDER states that problems of labor welfare "were debated and experiences exchanged" in preparation for meetings of the Betriebsfuehrer and employee representatives in the Enterprise Advisory Council (Unternehmensbeirat or "U.B."). The Enterprise Advisory Council was made up of the Betriebsfuehrer and employee representatives from the plants. The Betriebsfuehrer conferences and the meetings of the Enterprise Advisory Board were concerned with "social problems which were of interest to all plants". Both bodies, however, could only make recommendations. "The final decision was made by me" (SCHNEIDER). That the final decision should be made by SCHNEIDER on behalf of the entire Vorstand was consistent with the leadership principle (Fuehrerprinzip) generally. It is significant, however, that preceding any decision made by

SCHNEIDER he had had the benefit of the advice and counsel of the other Betriebsfuehrer. The defendant KRAUCH has said that all members of the Vorstand made very wide use of the opportunity to participate in the meetings held by Christian SCHNEIDER on social welfare matters.

(Exh. 1330, NI-6062, D.B. 68, E.p. 97, G.p. 121)
(Exh. 1331, NI-6376, D.B. 68, E.p. 101, J.p. 126)

Meetings of the Enterprise Advisory Council were held at various plants. On 11 March 1941, a meeting was held at Schkopau. The minutes are signed by the defendant SCHNEIDER and state that all plant leaders (Betriebsfuehrer) except BRUEGGEMANN and the defendants BUERGIN, SCHWITZLER and WURSTER were present. SCHNEIDER reported to the Council that 16,000 Farben employees drafted into the Army had been replaced, in part, by 12,366 foreigners of which 2,160 were prisoners of war. The minutes of this same meeting report:

"There is unanimous agreement that, in spite of many difficulties and in spite of the average inadequacy of the work obtained from foreign and compulsory labor, it will not be possible to dispense with them in the future either. Satisfaction is expressed generally that co-operation with the authorities and the German Labor Front in this sphere is favorable."
(our emphasis).

(Exh. 1350, NI-7107, D.B. 69, E.p. 78, G.p. 103)

27. Apart from the information circulated by such special Farben agencies in which Vorstand members played the leading role, Vorstand members had access to the highest manpower authorities in Germany, either directly or through their delegates. This is illustrated, for example, by the minutes of the Vorstand meeting of 29 October 1942:

"At the request of Geheimrat Schnitz, Mann spoke about an assembly meeting of the Large Advisory Council (Gross Beirat) of the Reich Group Industry, on which occasion Gauleiter Sauckel had given an account of labor allocation situation, the treatment of foreign workers, payment and accommodation, etc."

These same minutes show that a discussion was held in the Vorstand of the manpower problems which had just previously been discussed in the Vorstand's Technical Committee:

"Dr. Struss gave the usual survey of the entire credit situation, the expenditures of the current year and the number of workers;.....At the meeting of the Technical Committee it was asked to sanction R.M. 36,000,000."

(Exh. 1322, NI-8266, D.B. 68, E.p. 46, G.p. 48)

P. Examples of Slave Labor Program in Operation at Individual Farbon Plants.

General

28. Contemporaneous documents in evidence graphically show the increasing utilization of slave labor at individual Farbon plants. This has been partly developed in paragraph 17, pp. 10-11, supra. The chart entitled "I.G. Owned and Operated Plants" (as amended) shows graphically the names of the Sparto chiefs, the plant managers, and the general types of products manufactured in the plants.

(Exh. 47, NI-10029, D.B. 2 and 69, E.p. 3a, G.p. 3a)
(Exh. 665, NI-9923, D.B. 69, inserted after Exh. 47)
(Exh. 391, NI-10166, D.B. 69, inserted after Exh. 47)

The coordination and the maintenance of the requisite elements of uniformity in manpower policies were maintained through the operation of such special agencies as the Betriebsfuehrer Konferenz (Plant Leaders Conference), the Enterprise Advisory Council (Unternehmensbeirat), and the Buero Bertrams under the direction of the defendant SCHNEIDER as chief plant leader (Hauptbetriebsfuehrer) - and by discussions in the Vorstand, the TEA and other important committees of the Vorstand. Slave labor problems such as food supply, discipline, sanitation and "education" camps also received general treatment by special committees with competence beyond the individual plants. The minutes of a meeting of the "Food Supply Committee of the Plenipotentiary General for Chemistry (defendant KRAUCH) of 4 March 1943 offer

an illuminating illustration. The meeting was held at Ludwigshafen under the chairmanship of Col. Kirchner of KRAUCH's office. In addition to a discussion of some food problems, it was reported that:

"The fumigation of the camps becomes more and more difficult, especially since the necessary fumigation agents can no longer be procured in sufficient quantities.....Brux reported that after negotiations with the base camp, IV e Wiestriz near Toplitz-Schoenau, it is now permitted also to beat French prisoners of war for lack of discipline, if need be. Negotiations with the competent base camps of the individual plants on this subject were recommended. The Secret State Police in conjunction with the Reich Labor Trustees have authorized the establishment of an indoctrination camp for foreign workers for Ludwigshafen.It was decided that, given the approval of Director Dr. Kuehne, Leverkusen, the next meeting of the food committee should take place at Leverkusen."

(Exh. 1376, NI-7110, D.B. 70, E.p. 63, G.p. 120)

29. Given the responsibility of the Vorstand for labor matters under German law, and given the actual functions of the Vorstand and its immediate agencies in executing manpower policies, it is unnecessary to burden either the record or this brief with extensive references to the operation of the Slave Labor Program at individual plants. It is the purpose of this section merely to make very brief references to the operation of the program in individual plants.

(a) LEUNA (Betriebsfuhrer, SCHNEIDER; In charge of technical operations, BUEFELFISCH)

The defendant SCHNEIDER has outlined various measures of discrimination against foreign labor at Leuna; the use of police dogs by the plant security guards; the transfer of workers to concentration camps following reports by Farben officials to the Gestapo; and the escort by Leuna guards to Leuna of transports of foreign workers from the occupied territories.

(Exh. 1333, NI-5847, D.B. 69, E.p. 4, G.p. 4)

(b) LUDWIGSHAFEN/OPPAU (Betriebsfuhrer, WURSTER; joint managers in charge, AMBROS and WURSTER)

On 31 January 1941, the Ludwigshafen management (WURSTER signed the minutes) resolved that prisoners of war were

to be used on a larger scale and that 1800 additional foreign laborers would be requested.

(Exh. 1335, NI-8285, D.B. 69, E.p. 21, G.p. 25)

The witness Gromot has indicated some of the aberrations growing out of forced labor at Ludwigshafen, including brutal acts by the plant police.

(Exh. 1347, NI-7502, D.B. 69, E.p. 67, G.p. 90)

(c) SCHKOPAU (generally in charge, AMBROS)

Farben representatives were sent to France to recruit French laborers. The witness Frossard states that this action resulted in 250 Frenchmen coming to work at Schkopau on an involuntary basis. Eastern workers had a regular working day of 12 hours and sometimes worked 16 hours a day at the hardest jobs. Corporal punishment of Russian workers by the plant guards was frequent.

(Exh. 1351, NI-7507, D.B. 69, E.p. 84, G.p. 110)

(d) ANORGANA, GENDORF Plant (generally in charge, AMBROS)

A report marked "secret" showing number of the inorganics section staff for the month of August 1944 shows 306 Eastern workers, 603 other foreigners, 91 French prisoners of war, 139 Italian military internees, and 110 concentration camp inmates. Poison gas was manufactured at Gendorf.

(Exh. 1353, NI-2882, D.B. 69, E.p. 91, G.p. 131)

Gendorf officials strenuously objected to concentration camp Dachau that the camp was charged for the Sunday work of concentration camp inmates. Dachau finally solved the matter by reporting Sundays as rest days even though Gendorf worked the inmates. In this manner Gendorf was relieved from having to pay for such work.

(Exh. 1356, NI-2744, D.B. 69, E.p. 101, G.p. 126)

(e) HOECHST (Chief, Betriebsfuehrer, and Head of Works
Combine Main Valley, LAUTENSCHLAGER)

The defendants LAUTENSCHLAGER and JAEHNE, the plant

manager and deputy plant manager, respectively, of Hoechst, welcomed the employment of foreign labor. Eastern workers were discriminated against in billeting, food, etc. Prisoners of war were employed in the manufacture of armament products.

(LAUTENSCHLAGER's Affidavit, Exh. 1358, NI-6415, D.B. 69, E.p. 113, G.p. 144)

A teletype message of 5 February 1942 from LAUTENSCHLAGER to Lindemann of G.B. Chemie requested 1,000 more foreigners for production of war materials.

(Exh. 1362, NI-4680, D.B. 69, E.p. 141, G.p. 176)

Conditions in foreign workers' camp were inhumane. The camp huts were full of vermin. Disabled Russian soldiers were made to work in the plant. Foreigners were beaten by the Plant Security Guards.

(de Bruyn Affidavit, Exh. 1367, NI-11813, D.B. 69, E.p. 184, G.p. 207)

(f) GRIESSHEIM and AUTOGEN (in charge, respectively Jacobi and the defendant JAEHNE)

Affidavits of Heinrich Vesper show that there were 300 foreigners employed at Autogen and 500 at Griessheim.. Shortly before the arrival of the Americans a regulation came out from the Management Hoechst that all papers and documents on the employment of foreigners must be destroyed. French prisoners of war employed in the Autogen plant were used in the production of welding and cutting tools for the armament industry. The Russian workers' camp at Autogen was guarded by Plant Security Guards armed with pistols.

(Exh. 1368, NI-2995, D.B. 69, E.p. 165, G.p. 208)

(Exh. 1369, NI-2975, D.B. 69, E.p. 167, G.p. 211)

(g) LEVERKUSEN (Chief of Plant and Chief of Works Combine Lower Rhine, the defendant KUEHNE)

Notes dated 28 April 1942 on conferences of directors at Leverkusen, with the defendants KUEHNE, HOERLEIN and MANN present. KUEHNE discussed a circular of the defendant KRAUCH

concerning treatment of foreign laborers and a report was made concerning the employment of foreign labor in the plant. The copy of the notes in evidence show the initials of the defendant VON SCHNITZLER.

(Exh. 1371, NI-5765, D.B. 70, E.p. 22, G.p. 40)

A transcript, 4 May 1943, of a directors conference at Leverkusen, with the defendants KUBBE, HOERLEIN and MANN present, makes reference to the necessity of the proper utilization of Eastern labor. The initials of VON SCHNITZLER again appear on the transcript.

(Ibid, E.p. 24; G.p. 48)

A letter dated 15 January 1944 from Leverkusen to the Opladen Labor Office states that five French prisoners of war have worked for a year in the chemical sector and entrusted with war-important work; that they and three Italians under consideration were good workers; that their withdrawal would endanger the production; and that therefore I.G. would not agree to release these workers unless equivalent replacements were received. This indicates, among other things, that Farben had no hesitancy to oppose Nazi agencies when such opposition served its interest.

(Exh. 1385, NI-9373, D.B. 70, E.p. 96, G.p. 162)

Letter dated 24 August 1944 to the Labor Recruiting Office, Berlin, requests continued efforts to allocate Eastern workers who were scheduled but did not arrive in Leverkusen.

(Exh. 1393, NI-8964, D.B. 70, E.p. 129, G.p. 239)

(h) BITTERFELD (Chief, the defendant BUERGIN)

The minutes of the managers meeting of 3 April 1944 at Bitterfeld, with BUERGIN present, indicate that 58% of the employees are foreigners. This percentage included foreign women who perform the work of men.

(Exh. 1396, NI-5822, D.B. 70, E.p. 136, G.p. 247)

A teletype message, 13 July 1944, from Pister, commandant of Buchenwald, to Antagruppe D states that the assignment of 750

women inmates is for the Bitterfeld plant and not Wolfen.

(Exh. 1397, NI-4326, D.B. 70, E.p. 145, G.p. 256)

(1) WOLFEN-FILM (Chief of the Plant and Chief of the Berlin Works Combine, the defendant GAJEWSKI)

A circular letter, 4 February 1943, to all plants of the Works Combine Berlin and the Works Combine Central Germany indicates that there had been doubt if the plant leader was authorized to cut rations of Eastern workers for disciplinary reasons. After inquiry with the competent office, it is found that such steps could be taken by plant leaders.

(Exh. 1399, NI-11063, D.B. 71, E.p. 1, G.p. 1)

A credit request dated 1 April 1944 for huts to house foreign workers indicates that 2,000 workers were to be housed in huts with a floor space of 1,860 sq. meters. This is less than 1 sq. meter per person. GAJEWSKI, the head of Sparte III and the manager of Wolfen Film had his headquarters at Wolfen-Film.

(Exh. 1400, NI-2797, D.B. 71, E.p. 3, G.p. 3)

(NOTE: With respect to cutting the rations of Eastern workers employed by plants of the Works Combines of Central Germany for disciplinary reasons, see the first exhibit cited below in the next paragraph).

(2) CAMERAWERKE MUNICH (Generally in charge, the defendant GAJEWSKI)

A letter dated 20 January 1944 from Camerawerke Munich to Labor Office Munich concerns 12 female Polish prisoners from the Stadelheim prison whose prison terms were to expire in February. The letter seeks to extend the work assignment of these prisoners to Camerawerke Munich by way of labor draft and requests the Labor Office to draft these Polish women and advise the Stadelheim prison accordingly.

(Exh. 1404, NI-3825, D.B. 71, E.p. 28, G.p. 31)

A file note dated 7 October 1944 of the personnel department, Camerawerke Munich, indicates that the transport of 260 Dutch women

from concentration camp Dachau would arrive any day. A letter dated 18 October 1944, signed by Local Plant Manager Lingg, to the commandant of concentration camp Dachau indicates that the number of women received from Dachau was 250 instead of 260 and that 63 of these were not the inmates selected by engineers Meier and Sene of Camerawerke Munich.

(Exh. 1406, NI-6851, D.B. 71, E.p. 30, G.p. 33)

(k) KALLE & CO. (Generally in charge as Plant Chief of
Sparte III, GAJESKI)

An inter-office memo of 16 October 1943 notes that one Jeanne Huberland (French) has been transferred to a concentration camp for insubordination and slackness and that one Marcel Balencourt (French) has been detained until the end of October 1943 for slackness at his place of work.

(Exh. 1827, NI-4037, D.B. 71, E.p. 39, G.p. 44)

G. Maltreatment and Degradation of the Foreign Laborers

30. The basic crime charged is involuntary servitude and the inherent inhumanity, degradation, and maltreatment involved in the enslavement of human beings. Where the confinement within Germany was not effected by barbed wire enclosures and the constant surveillance of the Plant Security Guards, it was effected by the very fact that all foreign workers lived under the constant threat of the criminal Nazi police system. The segregation of slave laborers from their families; the denial of schooling to the child slaves; the tearing of civilian laborers from their homelands and from their normal trades and professions; the high rate of sickness; the improper care; the overwork; the malnutrition; the brutal recruitment; the transport of human beings like animals; the segregation and discriminations according to race and nationality pursuant to the "master race" theories; the distinguishing marks or badges of the Easterners - all were a part of the abdication of

principles of justice and humanity and the desire to wage successful aggressive wars at any cost to those victims from the occupied countries who were needed in the heartless production drive. Most of the inhumanities cited were inescapable parts, in one way or another, of any system that permits, encourages, or tolerates the basic crime of enslavement. A man's freedom is his most precious possession -- and the gravamen of the crime charged is involuntary servitude which denies this freedom to men and imposes instead the conditions of the "slave-owner" or the slave-utilizer. In any such system the knowing participant encourages and ratifies, for all practical purposes, all the inherent evils of the system. Whether the slave-utilizer goes out of his way, within the framework of the entire system of involuntary servitude, to improve somewhat the conditions of the enslaved, is at most a matter of mitigation, a mitigation which is of little meaning where one is a principal in the involuntary servitude of thousands upon thousands of human beings. Similarly, when the slave-utilizer and his agents go out of their way to add additional debasements or to participate in aggravations beyond the normal debasement of involuntary servitude, this is only a question of aggravation.

31. The vast Farben industry was one of the most significant markets for slaves in all of Germany. Any man is responsible for the logical consequences of his acts. Farben leaders knew that the demands which the Farben industry created for slave labor required intensified "recruitment" in the occupied countries. Certainly the "expert recruiting agents" of the KRAUCH Office and of Farben itself were closely associated with the entire complex of brutality involved in this "recruitment". Frequently the fact of these aberrations even found their way into the German press and were a cause of concern to Reich officials. A report of 30 September 1942 found in the Rosenberg files states:

"Apart from the natural impairment of the frame of mind and capabilities which these measures,Not only the actual conditions and the letters which reached the country, in spite of the initial blockage, as well as the stories of fugitives and such, but also the clumsy publications in the German press of the legal rulings relative to the matter....." (our emphasis)

(Exh. 1302, 084-PS, D.B. 67, E.p. 69, G.p. 104)

This same report states:

"The treatment by the guards was on the average without intelligence and cruel so that the Russian and Ukrainian workers, in enterprises with foreign laborers of different nationalities, were exposed to the scorn of the Poles and the Czechs among other things.

"The food and care was so bad and insufficient in the camps for the Eastern laborers being employed in the industry and in the mines that the good average capability of the camp members dropped down shortly and many sicknesses and deaths took place."

(Exh. 1302, 084-PS, D.B. 67, E.p. 68, G.p. 104)

32. The treatment of Eastern workers within Germany caused concern to the German Army in the East since it was intensifying resistance to the German occupation in the East. One Fuerst, a representative of Farben who visited the Russian front, reported on this situation. Fuerst, in a letter of 26 January 1943, directed to the Social Welfare Department of Leverkusen, called attention to this situation:

"After consultation with the liaison office W, we are sending you herewith the enclosed report of Dr. Fuerst concerning a lecturing tour on the Eastern front. We suppose that you will be interested in that part of its contents which deals with the views of the Army in respect to the treatment of Eastern workers. Economic Department. Signed: (deputizing) Fuerst." (our emphasis)

It should be noted that Fuerst represented VOMI, one of the branches of the defendant ILGNER's MI-7 Organization, and that he forwarded this letter after consultation with Vermittlungstelle W. That Fuerst had been requested to see that the situation was pointed out to Farben plants is shown by the following excerpt from his report dated December 1942 which was enclosed in his above-mentioned letter of 26 January 1943:

"I was asked by responsible quarters to point to the fact within the concern, as far as it is possible to me, that many things, happening in the homeland in the treatment of the Eastern workers, cost German blood out here." (our emphasis)

(Exh. 1374, NI-8995, D.B. 70, E.p. 46 and 53, G.p. 104 and 111)

33. When nearly 50% of the labor force of a concern is made up of slave laborers of one type or another, it is obvious that maltreatment is inherent in the very nature of the involuntary servitude. Among other things, it involved reporting to the Gestapo and the German police those slaves who attempted to return to their home lands.

(Exh. 476, NI-1336, D.B. 67, E.p. 153, G.p. 282)
(Exh. 1333, NI-6847, D.B. 69, E.p. 5, G.p. 6)

It also involved requesting the SS to "take measures against the foreigners who do not return from their leaves."

(Exh. 1363, NI-6151, D.B. 69, E.p. 144, G.p. 150)

Children of tender years from the families of the slave laborers were worked but given no opportunity for schooling. On this point the defendant SCHNEIDER (Chief Plant Leader) has said:

"In the plants of the I.G. Farbenindustrie A.G. foreign children from the age of eight upwards were employed. Official directives, supplied by me via the 'Office of Bartrams' applied for the employment and pay of these children. On the other hand I did not make any proposals of any kind, or issue directives or approve credits in order to make sure that schools were being built or that these children were to receive a normal school education. I feel responsible for these matters."

(Exh. 1328, NI-6346, D.B. 68, E.p. 80, G.p. 98)

Some of the additional evidence of the knowledge and participation of these defendants in the maltreatment and degradation of their slave laborers is contained in the following affidavits, among others, of defendants herein:

(SCHNEIDER - Exh. 1328, NI-6346, D.B. 68, E.p. 80, G.p. 98,
and Exh. 1333, NI-6847, D.B. 69, E.p. 4, G.p. 4)
(BURTEFISCH - Exh. 1334, NI-6220, D.B. 69, E.p. 9, G.p. 11)
(KRAUCH - Exh. 1332, NI-6060, D.B. 68, E.p. 102, G.p. 127)
(LAUTENSCHLAGER - Exh. 1358, NI-6415, D.B. 69, E.p. 113,
G.p. 144).
(KRAUCH - Exh. 461, NI-2972, D.B. 68, E.p. 94, G.p. 116)

III. SUPPLYING POISON GAS FOR MASS EXTERMINATIONS

34. Count III of the indictment (Paragraph 120) charges that:

"All of the defendants, acting through the instrumentality of Farben and otherwise, with divers other persons, during the period from 1 September 1939 to 8 May 1945, committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they participated in * * * the mistreatment, terrorization, torture, and murder of enslaved persons. In the course of these activities, millions of persons were uprooted from their homes, deported, enslaved, ill-treated, terrorized, tortured and murdered. All of the defendants committed these War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with, the commission of said crimes."

35. Count III (B) of the indictment charges in particular that Farben manufactured poison gases and supplied such gases to officials of the SS, which poison gases were used in the extermination of enslaved persons in concentration camps throughout Europe.

36. That the mass extermination of human beings such as was carried out in concentration camps throughout Europe constitutes a Crime against Humanity, regardless of the nationality of the persons murdered (Sec. 1 (c) of Article II of Control Council Law No. 10) and a War Crime except where such atrocities were committed on German nationals (Sec. 1 (b) of Article II) is well settled. For a comprehensive discussion of this question see the Judgment in Case III (the Justice case) Pages 222-225, inclusive.

37. The question to be considered here, therefore, is whether or not the evidence which has been introduced by the Prosecution establishes that the defendants participated in such War Crimes and Crimes against Humanity within the meaning of Control Council Law No. 10. It is submitted that the evidence which has been introduced establishes the following facts beyond a reasonable doubt and that accordingly the defendants are guilty of such crimes within the meaning of Control Council Law No. 10:

A. Several millions of human beings were exterminated in concentration camps by means of gassing with Cyclon -B gas.

B. The defendants participated in these crimes, through Farben and through DEGESCH by virtue of their activities in connection with manufacturing and supplying the Cyclon-B gas.

C. The defendants knew that human beings in concentration camps were being exterminated by gassing.

D. The defendants either knew that the Cyclon-B gas which they were manufacturing and supplying was being used to carry out this program of mass extermination, or they "deliberately closed their eyes to what was being done".

We will now proceed to analyze the evidence as it related to each of these points.

A. Several millions of human beings were exterminated in concentration camps by means of gassing with Cyclon-B gas.

38. The fact that millions of human beings were exterminated in concentration camps by means of gassing and that the gas used was Cyclon-B gas has been found in decisions of other Tribunals. This Tribunal is required to take judicial notice of the records and findings of these Tribunals. (Article IX of Ordinance No. 7).

39. The International Military Tribunal made the following findings with respect to this program of mass extermination:

"A certain number of the concentration camps were equipped with gas chambers for the wholesale destruction of the inmates, and with furnaces for the burning of the bodies. Some of them were in fact used for the extermination of Jews as part of the 'final solution' of the Jewish problem. Most of the non-Jewish inmates were used for labor, although the conditions under which they worked made labor and death almost synonymous terms. Those inmates who became ill and were unable to work were either destroyed in the gas chambers or sent to special infirmaries, where they were given entirely inadequate medical treatment, worse food if possible than the working inmates, and left to die." (Page 235 of the Judgment). * * * "Part of the 'final solution' was the gathering of Jews from all German-occupied Europe in concentration camps. Their physical condition was the test of life or death. All who were fit to work were used as slave laborers in the concentration camps; all who were not fit to work were destroyed in gas chambers and their bodies burnt. Certain concentration camps such as Treblinka and Auschwitz were set aside for this main purpose. With regard to Auschwitz, the Tribunal heard the evidence of Hoess, the commandant of the camp from 1 May 1940 to 1 December 1943. He estimated that in the camp of Auschwitz alone in that time 2,500,000 persons were exterminated and that a further 500,000 died from disease and starvation." (Page 251 of the Judgment).

40. Military Tribunal III made the following determination in Case III (pp. 143-144):

"We concur in the finding of the first Tribunal in the case of United States, et al. vs. Goering, et al., concerning the use of concentration camps. We quote:

"Their original purpose was to imprison without trial all those persons who were opposed to the Government, or who were in any way obnoxious to German authority. With the aid of a secret police force, this practice was widely extended, and in course of time concentration camps became places of organized and systematic murder, where millions of people were destroyed. * * *

"A certain number of the concentration camps were equipped with gas chambers for the wholesale destruction of the inmates, and with furnaces for the burning of the bodies. Some of them were in fact used for the extermination of Jews as part of the "final solution" of the Jewish problem. * * *

"In Poland and the Soviet Union these crimes were part of a plan to get rid of whole native populations by expulsion and annihilation, in order that their territory could be used for colonization by Germans. Hitler had written in 'Mein Kampf' on these lines, and the plan was clearly stated by Himmler in July 1942, when he wrote:

"It is not our task to Germanize the East in the old sense, that is, to teach the people there the German language and the German law, but to see to it that only people of purely Germanic blood live in the East. (IMT Judgment, pages 234, 235, 237)."

41. The decision in the Trial of Bruno Tesch and two others before a British Military Court in Hamburg (March, 1946), referred to as "The Zyklon-B Case", was based squarely on its findings that human beings were exterminated in concentration camps, particularly Auschwitz, by the use of Zyklon-B gas. See Exhibit 1760 (for judicial notice), NI-12207, Book 82, Page 1, which is a report on this trial prepared by the United Nations War Crimes Commission.

(See also Exh. 1762, NI-11954, Book 82, p. 50 at p. 53; and Exh. 1611, NI-11953, Book 83, p. 155 at p. 157-158).

B. The defendants participated in these crimes, through Farben and through DEGESCH, by virtue of their activities in connection with manufacturing and supplying the Zyklon-B gas.

42. The following evidence establishes that the defendants in

this case were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, which were connected with the commission of the war crimes and crimes against humanity referred to above.

(a) DEGESCH is a partnership with limited liability. The three partners are Degussa with 42 $\frac{1}{2}$ % interest, Farben with 42 $\frac{1}{2}$ % interest, and Goldschmidt with 15% interest.

(Exh. 1765, NL-6363, Book 82, p. 79)

(b) In an official pamphlet which it published in 1942, DEGESCH, in describing its functions states that "from 1930 on, it was operated as a joint sales company of Degussa and I.G. Farben."

(Exh. 1768, NL-9096, Book 82, p. 96)

(c) To facilitate the exercise of the partnership rights in the management of DEGESCH, the partners established an administrative committee (Verwaltungsausschuss).

(Exh. 1765, NL-6363, Book 82, p. 80)

(d) This administrative committee or supervisory board is the joint representative of the partners in the exercise of their partnership rights and its decisions are binding upon the managers and the partners.

(Exh. 1765, NL-6363, Book 82, p. 80)

(e) This administrative committee or supervisory board was made up as follows: Out of eleven members, five, including the chairman, were from the Vorstand of Farben. These were Mann, Hoerlein, Wurster, Bruggemann, and Weber-Andren. Four members were from Degussa, one from Goldschmidt, and one from a subsidiary of DEGESCH (Heerd).

(Exh. 1766, NL-12073, Book 82, p. 85)

(f) Apart from the 42 1/2% interest and apart from having five Vorstand members on the Administrative committee or supervisory board, the closeness of the ties between Farben and DEGESCH may be illustrated by the fact that of the eight products sold by DEGESCH, seven were Farben products; thus, Z-gas, Ventox, M-1, Cartox, Calcid, all came from I.G. Farben Ludwigshafen; Tritox came from I.G. Farben Hoechst, and Areginal from I.G. Farben Wolfen. Even the eighth product, Cyclon-B, which is a DEGESCH product, is made with a stabilizer procured from I.G. Farben Uerdingen.

(Exh. 1769, NI-12217, Book 82, p. 112)

(g) Every can of Cyclon-B which was supplied to Auschwitz or any other concentration camp and used in the extermination of human beings was supplied by DEGESCH, either through the firm of Tesch and Stabenow (involved in the "Zyclon-B Case" referred to above) or directly. DEGESCH was admittedly the sole producer and sole distributor of Cyclon-B gas in all Europe.

(See Exh. 1768, NI-9098, Book 82, p. 101;
Exh. 1780, NI-11937, Book 83, p. 3;
Exh. 1800, NI-12110, Book 83, p. 136;
Exh. 1795, NI-9912, Book 84, p. 116;
Exh. 1811, NI-11953, Book 83, p. 159;
Exh. 1791, 1853-PS, Book 83, p. 74;
Exh. 1789, NI-7278, Book 83, p. 52;
see also Exhibits 1802 through 1807.

(h) The role of the Dessauer plant which manufactured the Cyclon B was merely that of a contractor of DEGESCH for the production of Cyclon B. The annual report of DEGESCH for the year 1942 states

"thanks to the efficiency of our contractor, Dessauer Werke fuer Zucker-und Chemische Industrie A.G. ... a record of about 320 tons was reached."

(Exh. 1773, NI-9093, Book 82, p. 137;
Exh. 1769, NI-12217, Book 82, p. 112)

C. The defendants knew that human beings in concentration camps were being exterminated by gassing.

43. The evidence is overwhelming that the defendants knew that human beings were being exterminated in Auschwitz and other concentration camps and that they were being exterminated by gassing. The special sources of knowledge which these defendants had by virtue of their positions are such that it seems almost superfluous to dwell at any length on the extent to which the program of extermination of the Jews and other persecuted peoples was a matter of common knowledge.

The Tribunal will take judicial notice of the following facts:

- (a) As early as December, 1942, the United Nations issued a declaration calling attention to the fact that Hitler was carrying into effect his "oft-repeated intention to exterminate the Jewish people in Europe".
- (b) Public information in the United States was so widespread that mass meetings were held beginning in the early part of 1943 and American voluntary relief agencies undertook the public raising of funds and devising of a plan for the aid and assistance of those marked for extermination.
- (c) The Congress of the United States passed a joint resolution condemning this program of extermination and affirming that those guilty, directly or indirectly, for these criminal acts would be held accountable.
- (d) International organizations were formed to attempt to rescue the victims and in January, 1944, the President of the United States established a special cabinet committee, the War Refugee Board, to take all possible action to rescue the victims.
- (e) The War Refugee Board, as well as agencies of other United Nations, took many steps designed to bring home to the German people that America and the world knew of the program of extermination and to warn the German people that it was the firm intention of the government of the United States that the participants in such a program would be punished.
- (f) The government of the United States and the governments of many of the other United Nations did everything possible to make certain that no German would be in a position to honestly say, "I did not know". The warnings to the German people were directed through countless radio broadcasts, the dropping of leaflets from aircraft, and similar devices. Significant parts of many statements of leading figures throughout the world were constantly beamed in German-language broadcasts to Germany and German-occupied areas of Europe.

44. The extent to which what was going on in Germany became known to the outside world is indicated by a report which the War Refugee Board made public in early 1944, in which the conditions at Auschwitz and the actual extermination by gassing in Auschwitz were set forth with meticulous detail. This report, which contained the statements of two inmates who escaped from Auschwitz, specifically mentioned that "a preparation in powder form out of tin cans labeled 'ZYKLOX for use against vermin'" was used in the extermination program.

(See Exh. 1759, for identification for purpose of judicial notice)

45. Any suggestion that the responsible officials of Farben with its worldwide outposts engaging in propaganda, intelligence, and espionage activities did not know that a program of exterminating millions of people, which was being denounced by the whole outside world, was being carried on in their backyard is hardly worthy of consideration. If Farben officials knew in 1944 that

"Standard Oil has been repeatedly and violently attacked in America because the cooperation between Standard Oil and I.G. Farbenindustrie A.G. allegedly worked out disadvantageously for America"

(Exh. 994, supra)

it is inconceivable that they did not know that the American government, the American Congress, the American press, and the American radio were denouncing as one of the blackest of all crimes, the murder of millions of people just outside the gates of their 600,000,000 RM plant, which depended upon the labor of the very inmates who were marked for extermination.

46 The Tribunal's attention is also drawn to that portion of the Judgment of Military Tribunal No. 3, Case No. 4 (Pohl Case) which

deals with the question of knowledge within Germany of the extermination program (pp. 30, 31).

"A defense which has been almost universally advanced is that all the criminal acts of the Reich were conducted under a cloak of secrecy which prevented the defendants from knowing about them. Hitler's famous secrecy order has been offered by nearly every defendant. It has been urged that there was strict censorship of the press, that listening to foreign broadcasts was prohibited, that concentration camp prisoners were required upon their release to be sworn to secrecy as to events which they had observed or experienced, and that the German people generally were kept in complete ignorance of what was going on. All these facts are true. But in the very nature of things, it was impossible to maintain complete secrecy or anything like it. It was impossible to keep hidden from public view the huge transports which carried the slave laborers from the East to the concentration camps. It was impossible to keep secret the public demonstrations against the Jews. Streicher's infamous 'Der Sturmer' had a circulation of 800,000 copies. Himmler spoke openly about 'the final solution of the Jewish problem' at Posen, Cracow and Metz. When prisoners were liberated from concentration camps, it is impossible to think that they maintained the complete secrecy to which they were bound. Soldiers returning on leave from Poland, Russia and the Ukraine must have talked to some extent. The pall of smoke from the crematoria at Auschwitz could not be kept hidden. In spite of decrees, foreign broadcasts were heard. The systematic murder of millions of human beings, extending over five years, could not by reason of its very magnitude be kept secret....."

47. Finally, the Tribunal's attention is drawn to the recent decision in the Justice Case, Tribunal No. 3, Case No. 3, where the Court states (pp. 144, 145):

"A large proportion of all of the Jews in Germany were transported to the East. Millions of persons disappeared from Germany and the occupied territory without a trace. They were herded into concentration camps within and without Germany. Thousands of soldiers and members of the Gestapo and the SS must have been instrumental in the processes of deportation, torture, and extermination. The mere task of disposal of mountainous piles of corpses (evidence of which we have seen), became a serious problem and the subject of disagreement between the various organizations involved. The thousands of Germans who took part in the atrocities must have returned from time to time to their homes in the Reich. The atrocities were of a magnitude unprecedented in the history of the world. Are we to believe that no whisper

reached the ears of the public or of those officials who were most concerned? * * * This Tribunal is not so gullible as to believe these defendants so stupid that they did not know what was going on. One man can keep a secret, two men may, but thousands never....."

Special Sources of Knowledge Had by Defendants

48. The defendants in this case had many sources of knowledge about the extermination program which most people in Germany did not have. In addition to its vast network of intelligence sources throughout the world, Farben had an investment of 600,000,000 RM in Auschwitz only a few miles from the gas chambers where as many as 25,000 human beings per day were exterminated; and where the bodies of the victims were cremated in four immense crematoria from which came "the stench of the burning bodies."

49. The gassing of human beings at the Auschwitz/Birkenau concentration camps was a matter of common knowledge at I.G. Auschwitz.

50. Charles Joseph Coward, a British prisoner of war, stated in an affidavit:

"Everyone to whom I spoke gave the same story—the people in the city of Auschwitz, the SS men, concentration camp inmates, foreign workers—everyone said that thousands of people were being gassed and cremated at Auschwitz, and that the inmates who worked with us and who were unable to continue working because of their physical condition and were suddenly missing, had been sent to the gas chambers.... All the camp knew it. All the civilian population knew it. I mixed with the civilian population at Auschwitz. I was at Auschwitz nearly every day. The population at Auschwitz was fully aware that people were being gassed and burned. On one occasion they complained about the stench of the burning bodies. Of course all of the Farben people knew what was going on. Nobody could live in Auschwitz and work in the plant, or even come down to the plant without knowing what was common knowledge to everybody.

"Even among the Farben employees to whom I spoke, a lot of them would admit that they knew about the gassing.... I am sure that Duerrfeld who was always around the

factory knew about the gassings and the burnings. It would be utterly impossible not to know. Everybody knew from the civilians to the top dogs. It was common talk." 1/

(Exh. 1462, NL-11696, Book 79, p. 37)

51. On cross-examination, Robert Wm. Ferris, another British prisoner of war, gave the following answers to the questions of Defense Counsel:

- "Q. Under paragraph 3 of your affidavit, you say, in the case of these truck convoys of which you spoke, and I quote: 'We knew that these inmates went to the gas chambers.' How did you know that?
- A. They told us. Everybody in the factory knew. It was general knowledge that they were going to the gas chambers. The German civilian workers knew that.

....

- Q. And who told you that these truck transports were sent off to the gas chambers?
- A. It was general knowledge. The German civilians knew it. The Knechtlinge knew it. And everybody who was working in the factory knew it.....

....

- Q. I want to know what the Germans said about it?
- A. The Farben officials - they said that when they got unfit to work they outlived their usefulness and so that therefore it was one way out for them.

....

- Q. Did they only say that to you, or did they say that to a bigger circle of people also?
- A. They said that to a bigger circle of people also. It was general knowledge in the factory. I have already said that.

....

- Q. Witness, if these civilians and the Farben painters or foremen told you about the gassings, what explanations did they use and did they regret these goings-on or what?
- A. No, they did not regret it. They did not regret it. They informed - as I said in my affidavit - they informed us that Germany worked for the Jews before

1/ In spite of the above damaging statements contained in Coward's affidavit, on cross-examination all he was asked was when he went into the town of Auschwitz, was he not AWOL, and when Coward answered that because of his position he was privileged to go into town, he was then asked whether he spoke Polish and Coward answered "A little sir; a few words or phrases like Ponemaje Polski, und so weiter." Defense counsel had no further questions.

Hitler had come to power and now the Jews worked for Germany until they got so they can't work and then they put them in the crematorium and the gas chambers."

(Transcript pp. 3835, 3836, 3841, 3842, 3844)

52. Leonard Dales, British prisoner of war, stated:

"Very shortly after I arrived, I heard about the inmates being sent to the gas chambers."

(Exh. 1471, HL-11695, Book 78, p. 108)

53. On cross-examination Mr. Dales gave the following answers to the questions of the Defense counsel:

"Q ... You state furthermore under No. 4 of your affidavit 'Once these inmates were assigned to the different masters, they became the slaves of each respective foreman.' What do you mean by that expression?

A. You mean by being the slaves of their respective master? I mean they had to obey each little command, every minute order to the last letter; otherwise they were threatened with death.

Q. How am I to understand that they were threatened with death?

A. They were told that if they didn't work to his satisfaction he would report them to the SS who would consequently see that they got gassed.....

Q. And did you hear yourself that these people were told 'If you don't do everything the way we order it, then you will be threatened with death'?

A. Then, not 'then you will be threatened with death,' - 'then you will be gassed.'

Q. Did you hear that yourself?

A. Yes.

Q. Did you hear that from many foremen?

A. Oh, yes, several.

Q. Then you heard it frequently?

A. Quite frequently.....

Q. Then you go on to say that a Polish Jew told you about selections - but that is hearsay and we can leave that... At the end you say 'Everybody who was in Auschwitz or came there for a visit had to know about the gassings.' Did you ever speak with any visitor about this who came to Auschwitz?

A. What do you mean by visitor? I saw many people who came to Auschwitz and left. Displaced persons, etc...

Q. I mean the same that you understand by 'visitor'.... when you say that everyone who visited the factory would know that the people were being gassed.

A. Well, it didn't take us long to find out... We were there only about two days when we found out."

(Transcript pp. 3695, 3696, 3698)

54. Frederick Davison, British prisoner of war, stated:

"It was common everyday knowledge about those gas chambers. All the civilian masters in the factory knew about it.... It was not unusual for the Farben foremen and masters and supervisors to threaten the inmates that if they didn't work harder they would be sent to the gas chambers. Some of the Farben officials that I knew personally and whom I know had knowledge of the gasings because they themselves spoke about it, were supervisor Bertram.... supervisor Kratsch.... supervisor Weiss and supervisor Strauber."

(Exh. 1454, SL-11694, Book 78, p. 109)

55. On cross-examination Mr. Davison gave the following answer to the questions of the Defense counsel:

"A. As in my affidavit, I say that everyone in the factory knew of the gas chambers and everybody used to talk about it.

Q. But wasn't it dangerous to talk about these matters, witness?

A. If the Gestapo or SS were around, certainly.

Q. Now, if the Masters of the I.G. were around, was there any talk about it then?

A. Yes, there was."

(Transcript p. 3934)

56. Affidavit of Charles Hill, British prisoner of war:

"As I stated before, it was understood by everybody in the camp that concentration camp inmates were being gassed at Auschwitz. Although we always got the information second-hand from the inmates, the guards, the German foremen, all of whom spoke of these showers from which gas came instead of water. The German civilians never denied that the Jews were being gassed; in fact, they would add that it was the best thing for them.

"One incident occurred while I was there which would have made it impossible for anybody to deny that they knew about the gas chambers. One time the SS came into the factory where I was working and began searching all over in pipes, cellars, every place, looking for inmates who had escaped from Auschwitz by pushing their guards into the gas chamber meant for the inmates and running away. There was great excitement in the whole camp and everyone talked about it. The civilians, the guards, the inmates, all discussed it."

(Exh. 1495, NI-11704, Book 78, p. 117)

57. On cross-examination Mr. Hill gave the following answers to the questions of the Defense counsel:

"Q. You say that in the camp the opinion prevailed that concentration camp inmates were being gassed at Auschwitz. Who told you that?

A. My masters, civilians, everyone...it was general knowledge in Auschwitz."

(Transcript p. 3850)

58. Affidavit of Eric James Doyle, British prisoner of war:

"We heard about the gas chambers so often that we just had to believe they existed. It got to be a general impression — as common as regular dinner conversation. I discussed the gas chambers with German civilians. I never heard of any of the German foremen who protested against the gassing. The others were in favor of gassing — provided it was for Jews."

(Exh. 1518, NI-12388, Book 75, p. 236)

59. On cross-examination Mr. Doyle gave the following answers to the questions of the Defense counsel:

"Q. Did you yourself ever speak to a member of Farben, an engineer, or a foreman, about the gas chambers that you mentioned?

A. Yes.

Q. Can you give me a name, particularly the name of a foreman of Farben with whom you spoke?

A. He was an immediate foreman, I don't know his name, Rother, or something like that.

- Q. What did that person tell you, witness?
A. He seemed to think that the inmates of the lager were just nothing at all....the People were no further use to Germany as workers and therefore they must make room for new workers."

(Transcript p. 3925)

60. Affidavit of Reginald Hartland, British prisoner of war:

"However, it was common knowledge among the British prisoners of war, the civilians to whom we talked, and the foreign workers, that inmates working for I.G. Farben at Auschwitz were gassed when they could no longer work."

(Exh. 1519, NL-12390, Book 75, pp. 242, 243)

61. On cross-examination Mr. Hartland gave the following answers to the questions of the Defense Counsel:

- "A. ... They (inmates with untreated sores) were like that for weeks at a time, and when we spoke to these fellows and asked them why they did not have any medical treatment, they appeared to be afraid of reporting these matters. They all seemed of the same opinion - that if they were sick and therefore no longer fit for work, they would end up at the gas chamber and be exterminated.....
- Q. I should like to find out from you, Mr. Witness, whether the inmates said anything to you about the fact that they were afraid to have the inmate physicians treat their wounds?
- A. They were afraid to have anyone treat their wounds in camp because they knew that if they were found out to be so ill and were off work for a number of days they would therefore be no longer of any use to the Germans and would be exterminated. That was common knowledge."

(Transcript p. 3937, 3938)

62. Affidavit of John Henry Adkin, British prisoner of war:

"The first day I arrived at our camp in Auschwitz, I was told that inmates were being gassed in concentration camp Auschwitz."

(Exh. 1475, NL-11699, Book 78, p. 100)

63. Affidavit of Kenneth Clifford Lovell, British prisoner of war:

"While still at Mooseberg, Bavaria They told me about the mistreatment, the gas chambers, burnings, and hangings which occurred at Auschwitz."

(Exh. 1472, NI-11702, Book 78, p. 127)

64. Affidavit of Frederick Woolley, British prisoner of war:

"All the inmates were in constant fear of being sent to the gas chambers. They always talked about it."

(Exh. 1521, NI-12706, Book 78, p. 87)

65. Affidavit of Arthur Greenham, British prisoner of war:

"Everyone recognized that the whole setup constituted an extermination camp. Not only the Farben people but the Jews themselves considered Auschwitz their final resting place.... They walked around without spirit and without hope, waiting for their turn to be gassed."

(Exh. 1453, NI-11705, Book 79, p. 6)

66. Affidavit of Horace Reginald Charters, British prisoner of war:

"They (the inmates) would always keep trying because it was pretty generally understood that those who were too sick to work would be sent to the gas chambers."

"With respect to the gas chambers, I have no general or direct information, but I do know that everyone in the camp had heard about it and had good reason to believe that it was true. For example, we would see lorries carrying inmates away and the fellows who worked with them as well as their own mates would never see them again."

(Exh. 1524, NI-11697, Book 79, p. 22)

67. Affidavit of Albert Victory Seal, British prisoner of war:

"There was often talk about the fact that inmates were being gassed at Auschwitz. I talked about it to my foreman. He didn't seem to care, he just laughed."

(Exh. 1466, NI-11708, Book 75, p. 85)

68. Affidavit of John Pascoe, British prisoner of war:

"Everybody knew about the gasings. It was common knowledge and common conversation. Although we all used to talk about it, I never heard the foremen or meisters (supervisors) deny that it was true. The capos, in the presence of German civilians, would threaten the political inmates that they would go to the gas chambers if they didn't work harder. Also many times political prisoners would point to their mates who were being taken away on lorries and say 'That's the gas chambers for them'. Those who were carted away never returned."

(Exh. 1473, NI-11701, Book 75, p. 92)

69. Affidavit of Douglas Tilbrook Frost, British prisoner of war:

"As a matter of fact, the inmates were so frightened of being sent to the gas chambers because of illness or injury that they would often come to work hiding their cuts and sores rather than report sick."

"The German civilians often threatened the inmates that they would be gassed and made into soap... I personally heard the German civilians make those threats many times."

(Exh. 1480, NI-11692, Book 79, p. 34)

70. Affidavit of David Innes Alexander, British prisoner of war:

"One of the things that was always talked about in the town and in the camp was the gassing of the political prisoners.... The Poles who worked in the shops at Auschwitz and in the station, and the German guards who guarded us, and the German civilians such as the Farben man who was head chef at our camp, all would talk with me about the gassing of the concentration camp inmates. None of them ever denied that the inmates who worked for Farben and who no longer were strong enough to continue working were sent to the gas chambers.... Nothing happened during the two years that I was there which would indicate that any other disposition was being made of the inmates. Of the many thousands that came through, not one ever came back."

(Exh. 1535, NI-11698, Book 79, pp. 28, 29)

71. Affidavit of George Harry Longden, British prisoner of war:

"When I was at Koenigsbuette, the foreign laborers were all very frightened about being sent to Auschwitz"

because they had heard that the inmates at Auschwitz were being gassed. They were all convinced that at Auschwitz that anybody who was no longer fit to work would be gassed and the Germans used to use that as a lever and threatened the foreign laborers that they would be sent to Auschwitz."

(Exh. 1522, NI-11703, Book 78, p. 125)

72. The Tribunal's attention is drawn also to the following testimony of the inmates from Czechoslovakia, France, Holland, Austria, Poland, most of whom appeared before the Tribunal and were subjected to cross-examination.

73. Affidavit of Gustav Herrzog, Austrian inmate:

"The I.G. management is one hundred percent guilty of the gassing of innumerable thousands of prisoners no longer capable of working. I have heard many speeches made to prisoners by engineers and chiefs of the I.G. who were unknown to me, in which it was expressly stated that they were not interested in men who could or would no longer work to the full."

(Exh. 1468, NI-12069, Book 79, p. 42)

74. On cross-examination Mr. Herrzog gave the following answers to the questions of the Defense Counsel:

"Q. Then it is an assumption on your part and a conclusion that you are making on the basis of your other observations?

A. I can support my assumption by saying that in the short time that I worked outside myself, and in the long time that I was in the office, and my fellow prisoners told me about events outside, I got the 100 percent impression from conversations that every civilian in the I.G. terrain knew what was going on; that they spoke cynically about a cyclone because the gas was called Zyklon."

(Transcript pp. 3629, 3630)

75. Affidavit of Philippe Pfeffer, French inmate:

"The I.G. employees talked about the fact that in the concentration camps Auschwitz and Birkenau inmates were being gassed...."

(Exh. 1517, NI-12384, Book 75, p. 232)

76. In direct examination Mr. Pfeffer added the following to his affidavit:

"I am convinced that Dr. Ambros knew that the Jews who were in the Monowitz camp couldn't get away alive from that camp, and I base this on a meeting I had with him. That was either in November or the beginning of December 1944, when he came to the aldehyde plant where for about ten minutes he talked to me....when he discovered that I was a Frenchman and a non-Jew he said to me: 'You have got good luck. You most probably will get out of this camp alive;' Thus, with these words, he emphasized that this opportunity was given to me only because I was a Frenchman and not a Jew."

(Transcript p. 3907, 3908)

77. On cross-examination Mr. Pfeffer gave the following answers to the questions of the Defense Counsel:

"Q. Witness, did you yourself know anything definite about the fact where and how these people were being gassed?

A. I know that with certainty because all my comrades who came with me did fail to return and we saw anyone who had come to Birkenau and Foreman Montpellier in person with Dr. Spaenig told me what I mentioned on page 3, paragraph 5: 'You are an Aryan; the Jews will all go up in the air', and that was in the presence of Dr. Spaenig."

(Transcript p. 3915)

78. Affidavit of Arnest Tauber, Czechoslovakian inmate:

"The foremen also frequently threatened that the prisoners would be gassed because they did not accomplish enough work. In this connection I particularly remember foreman Wittig...Furthermore, the gassings were discussed with the foremen at the shop unit."

(Exh. 1455, NL-4829, Book 78, p. 122, 123)

79. Affidavit of Ervin Schulhof, Czechoslovakian inmate:

"The directors of I.G. Farben knew about the selections (for extermination)... The employees of I.G. Farben indirectly occasioned the selections...The master craftsmen complained to the management / Allocation of Labor / and from there the complaints were forwarded

to the management / Dr. Duerrfeld / and from there to the SS. Consequently, the Labor Allocation officer in Auschwitz went to Monowitz early in the morning, when the squads left for work, posted himself near the gate and picked out those people.... whom they considered sickly; these people were sent to the gas chambers straight away. These written complaints came from I.G. I myself have seen such reports."

(Exh. 1453, NL-7967, Book 79, p. 8)

80. Affidavit of Gregoire Afrine, French inmate:

"To be sent to Auschwitz or Birkenau meant only one thing - the gas chamber. Apart from persons especially reported, there was a monthly selection of men from the camp to be sent to the gas chamber. The Farben people were fully familiar with the 'selection process' and even prevented its operation in one case where they needed the skill of the prisoners involved."

(Exh. 1465, NL-7184, Book 79, p. 14)

81. Affidavit of Leon Stalschak, Polish inmate:

"Supervisors and foremen of I.G. Auschwitz knew of the gassings, for it happened repeatedly that prisoners who had worked under them disappeared after a while and were replaced by new prisoners of a somewhat better appearance....."

(Exh. 1489, NL-10828, Book 78, p. 95)

82. Affidavit of Isaac Spetter, Dutch inmate:

"Professor Waits who was working in Monowitz as an internecine doctor advised me against seeking admission to the sick-bay so as not to run the risk of being selected, i.e. to be sent to Birkenau for gassing. I made friends in particular with an I.G. man by the name of Walzer and discussed our prison existence with him. He had already heard about the gassing of inmates in Birkenau. The following case is known to me: The Amsterdam chemist Benima worked in the Chemistry Squad. He was very ill (jaundice and tuberculosis) and was chosen to be picked out. I passed on to his civilian I.G. superior a short note which he had written. It stated that he had been chosen for gassing. His superior wrote in fact to the SS. In spite of that Benima was gassed."

(Exh. 1516, NL-12383, Book 75, p. 228, 229)

83. Affidavit of Hoak Treister, Czechoslovakian inmate:

"The laundry which I distributed had been taken from those who were gassed at Birkenau. I know this because I saw the numbers of the prisoners who used to be at Monowitz and were transported to be gassed. In addition, the clothes which I distributed were old and often blood-stained. The clothing was often returned within 3 hrs.....

"The foremen of I.G. Farben also knew that the prisoners were gassed."

(Exh. 1464, NL-4827, Book 79, pp. 1, 2)

84. Affidavit of Jan Stern, Czechoslovakian inmate:

"At I.G. Auschwitz there was a special department acting as intermediary for employees and I.G. foremen who wanted to buy the clothing of persons who had been gassed. As I am an expert in textiles, I quite often had to select clothing for the foremen..."

(Exh. 1470, NL-4828, Book 78, p. 143)

85. In addition to the above evidence establishing knowledge on the part of the defendants that human beings were being gassed at Auschwitz and other concentration camps, the court's attention is also directed to the following specific facts relating to certain specific defendants:

- (a) Defendant DUERRFELD lived in Auschwitz from its inception in 1941 until the exodus in 1945.

(Exh. 1423, NL-4148, Book 78, pp. 1, 4)

- (b) Defendant AMEROS visited I.G. Auschwitz according to his own admission: "approximately four times in 1941, four times in 1942, five times in 1943 and five times in 1944."

(Exh. 1419, NL-9542, Book 78, p. 21)

- (c) Defendant HUETZFISCH, who was in charge of the whole Leuna plant at IGF Auschwitz was a frequent visitor of

I.G. Auschwitz and even attended the building conference meetings at Auschwitz.

(Exh. 1420, NI-4033, Book 78, p. 25
Exh. 1448, NI-11138, Book 74, p. 38
Exh. 1509, NI-11143, Book 77, p. 62)

- (d) Defendant ter MEER was in IGF Auschwitz as well as in the concentration camp Auschwitz.

(Exh. 1419, NI-9542, Book 78, pp. 16, 17)

- (e) Defendant KRAUCH admits he also visited Auschwitz.

(Exh. 1420, NI-4033, Book 78, p. 25)

- (f) Defendant SCHNEIDER admits:

"I have been to I.G. Auschwitz twice... I am certain that in 1944, perhaps already in 1943, I was informed of the gasings."

(Exh. 1418, NI-7604, Book 78, pp. 29, 32)

- (g) Defendant LAUTENSCHLAGER admits:

"In discussions in Hoechst in about 1943 or 1944, I learned from my colleagues who had visited Ludwigshafen and had met employees of the I.G. Auschwitz there, that people were being gassed in the Auschwitz concentration camp. I think that I also had some conversation on the gassing of people in Auschwitz with the Vorstand member Friedrich Jaehne, chief engineer of the Hoechst I.G. works, whose son was employed as an engineer at I.G. Auschwitz."

(Exh. 1520, NI-9811, Book 78, p. 77)

- (h) Defendant JAEGHE admits that he visited Auschwitz where his son was employed as an engineer.

(Exh. 246, NI-5168, Book 78, p. 84)

- (i) Defendant von SCHNITZER, in an interrogation under oath, gave the following answers to the questions put to him:

"Q. During the last quarter 1944 (you said yesterday) that a Mr. Muller-Gumradt 'alluded' to you that the poisonous

gasses and the chemicals manufactured by I.G.F. were being used for the murder of human beings held in concentration camps?

A. So I understood him.

Q. Didn't you question those employees of yours further in regard to the use of these gasses?

A. They said they knew it was being used for this purpose.

Q. What did you do when it was told you that I.G. chemicals were being used to kill, to murder people held in concentration camps?

A. I was horrified.

Q. Did you do anything about it?

A. I kept it for me because it was too terrible. I was always under the impression that these gasses were not manufactured by us. I asked Muller-Conradi, is it known to you and Ambros and the other directors in Auschwitz that the gasses and chemicals are being used to murder people.

Q. What did he say?

A. Yes, it is known to all I.G. directors in Auschwitz."

(Exh. 18, NI-5197, Book 7B, p. 71)

D. The defendants either knew that the Cyclon B gas which they were manufacturing and supplying was being used to carry out this program of mass extermination, or they "deliberately closed their eyes to what was being done".

86. It is clear from the evidence which has been reviewed that the role of the defendants in furnishing gas which was used to exterminate several million human beings constitutes participation in such extermination program within the meaning of Control Council Law No. 10. It is equally clear that the defendants knew that human beings were being gassed at Auschwitz and other concentration camps. The only possible remaining question is whether the defendants knew that it was the gas that they were supplying which was being used to carry out this extermination program. It is submitted that the evidence also establishes this fact beyond any reasonable doubt. The following

additional evidence relating to the operations of DEGESCH is especially significant in establishing this fact:

(a) Under the procedure for supplying gas to customers, DEGESCH exercised complete control over every delivery of Cyclon B gas and was informed as to the ultimate consumer and the quantity delivered.

(Exh. 1780, NL-11937, Book 83, p. 3;
See also Exh. 1793, NL-9913, Book 83, p. 100;
Exh. 1781, NL-9910, Book 83, p. 7)

(b) Through the firm of Tesch and Stabenow alone, DEGESCH supplied tremendous, almost fantastic, quantities of Cyclon B to the SS and to the concentration camp Auschwitz.

(Exh. 1780, supra, at p. 4)

Enough Cyclon B was sent to Auschwitz alone to exterminate many times the 3 to 4 million people whom it is estimated were gassed to death.

(Exh. 1795, NL-9912, Book 83, p. 116;
Exh. 1811, NL-11953, Book 83, p. 159)

An incredibly disproportionate amount was allocated to the SS and particularly to the Auschwitz concentration camp.

(Exh. 1780, supra, at p. 5)

(c) In addition to supplying gas through the Tesch firm, DEGESCH, knowing the quantities of Cyclon B which Auschwitz was receiving through Tesch, nevertheless directly supplied further extraordinary quantities of Cyclon B to Auschwitz and the SS.

(Exh. 1791, 1553-PS, Book 83, pp. 74-85;
Exh. 1789, NL-7278, Book 83, p. 53;
Also Exhs. 1802 through 1807).

DEGESCH supplied Auschwitz with Cyclon B even in violation of its contract with the Tesch firm, pursuant to which orders were required to go through Tesch.

(Exh. 1770, NL-11393, Book 82, p. 115).

Degesch made these direct deliveries to Auschwitz and other concentration camps even though such direct deliveries were prohibited at the time by the SS, which required deliveries only to the central organization of the SS rather than to individual concentration camps.

(Exh. 1807, NI-9096, Book 83, p. 146)

(d) Degesch also made direct deliveries to Auschwitz and Oranienburg concentration camps of pure prussic acid, which is Cyclon B gas without a warning agent. (Under German regulations an irritant was required to be added to pure prussic acid as a warning agent—Cyclon B gas was pure prussic acid with the addition of a certain irritant).

(See Exh. 1796, NI-11494, Book 83, p. 128;
Exh. 1799, NI-11936, Book 83, p. 133;
Exh. 1791, supra;
Exh. 1793, NI-9913-A, Book 83, pp. 99-98;
Exh. 1793, NI-9913-B, Book 83, pp. 103-105)

The only reasonable justification for the sale of this gas without the warning agent is the foreknowledge of its intended use for the extermination of human beings.

(Exh. 1798, NI-11391, Book 83, p. 133;
Exh. 1799, supra, at p. 134)

(e) The direct deliveries by Degesch in violation of its contract with the Tesch firm, in violation of SS regulations requiring central procurement and in violation of German law against the sale of pure prussic acid, were made to Auschwitz just at the time that the extermination program was reaching its frenzied peak of 25,000 human beings per day.

(Exh. 1811, NI-11353, Book 83, pp. 158-160;
Exh. 1806, NI-9909, Book 83, p. 145;
Exh. 1807, NI-9906, Book 83, pp. 146-147).

(f) Monthly, quarterly, and annual reports of DEBESCH, showing the turnover figures for Cyclon B, were supplied to Farben. The annual reports showed, among other things, the chief customers and changes which had taken place among customers during the current year. These reports were read and discussed at meetings of the Administrative Committee.

(Exh. 1772, NL-12004, Book 82, p. 135;
Exh. 1773, NL-9093, Book 82, p. 140;
Exh. 1774, NL-12659, Book 82, p. 143;
Exh. 1777, NL-12664, Book 82, p. 150; and
Exh. 1778, NL-12665, Book 82, p. 152).

When the DEBESCH files were destroyed in an air raid, it was Farben that supplied the necessary information to enable DEBESCH to reconstitute its statistical records on Cyclon B from 1942-1944.

(Exh. 1775, NL-12660, Book 82, p. 144).

87. In summary, the evidence establishes:

(a) Several million human beings were put to death by gassing in a concentration camp within three to four miles of one of Farben's most important plants, in which it had invested over 500,000,000 RM and which was dependent on the labor of the persons ultimately destined for the gas chambers.

(b) This extermination program by gassing was common knowledge at I.G. Auschwitz and was known to the defendants.

(c) The defendants knew that the firm DEBESCH, in which they exercised control as indicated above, was the only firm in Europe which could supply the SS with Cyclon B gas.

(d) The defendants, as leading chemists and responsible officials of Farben, knew that Cyclon B gas was peculiarly appropriate

for such an extermination program.

(e) The close connections between I.G. Auschwitz and the Auschwitz/Birkenau concentration camp were such that it is inconceivable that those running one of these projects did not know what was going on in the other three or four miles away. As the evidence shows (see discussion *infra*), I.G. Auschwitz used the labor of inmates marked for extermination; sent those unfit for work to the gas chambers; even supplied on occasion the methanol used to burn the piles of dead bodies; and took its share of the clothes taken from the victims.

(f) If, despite all this, any of these defendants had any doubts that it was Cyclon B gas which was being used, they could have found out in a minute by looking at the records and reports supplied to them by DEGESCH or by checking with those directly responsible for the operations of Degesch.

88. Accordingly, it is clear that the defendants either knew that the Cyclon B gas which they were manufacturing and supplying through DEGESCH, was being used to carry out the program of mass extermination, or they "deliberately closed their eyes to what was being done".

89. The words of Military Tribunal I, in referring to Karl Brandt's connection with medical experiments, are particularly applicable here. The court stated:

"Had he made the slightest investigation he could have ascertained that such experiments were being conducted on non-German nations without their consent and in flagrant disregard of their personal rights... Occupying the position he did... the duty rested upon him to make some adequate investigation concerning the medical experiments which he knew had been, were being, and doubtless would continue to be conducted in the concentration camps."

(Transcript, Military Tribunal I, Case No. 1, p. 42).

90. In commenting on Brandt's defense that he did not follow the program further but left the administrative details of execution to

another, the court stated:

"If this be true, his failure to follow up the program for which he was charged with special responsibility constituted the gravest breach of duty. A discharge of that duty would have easily revealed what now is so manifestly evident from the record; That, whatever may have been the original aim of the program, its purposes were prostituted by men for whom Brandt was responsible and great numbers of non-German nationals were exterminated under its authority....The evidence is conclusive that persons were included in the program who were non-German nationals. The dereliction of the defendant Brandt contributed to their extermination. That is enough to require this Tribunal to find that he is criminally responsible in the program."

(Transcript, Military Tribunal I, Case No. 1, p. 50)

91. The same proposition is applied in the judgment of Military Tribunal IV wherein it was stated:

"Mumenthey's assertion that he did not know what was happening in the labor camps and enterprises under his jurisdiction does not exonerate him. It was his duty to know.... The Tribunal finds Mumenthey guilty under Counts 2 and 3 of the Indictment."

(Judgment Pohl Case, Tribunal II, Case No. 4, Transcript p. 2186)

92. The International Military Tribunal in the Trial of Major War Criminals, referring to the defense of Funk that he did not know that gold from eyeglasses and gold teeth and fillings from the victims who had been exterminated were stored in the Reichs bank vaults, stated:

"The Tribunal is of the opinion that he either knew what was being received or was deliberately closing his eyes to what was being done."

(Trial of Major War Criminals, Vol. 1, p. 306)

93. A case which involved a situation which in many respects is closely analogous to the situation involved here is a case decided by the United States Supreme Court in 1943, Direct Sales Company vs. United States, 319 U.S. 703. The facts and the reasoning of the court

in that case are discussed at length in Part V of this brief and the attention of the Tribunal is directed to pages 4 through 7 of Part V. It will be noted that the reasoning of the court is particularly appropriate here.*

* See also discussion of evidence relating to the defendant Weinbacher in the "Zyclon B Case", discussed *supra*. See Exh. 1760 (for judicial notice), NL-12207, Book 62, p. 25.

IV PARTICIPATION IN CRIMINAL MEDICAL EXPERIMENTS

94. Under Count III-B, the Indictment charges that:

".....various deadly pharmaceuticals manufactured by Farben and supplied by Farben to officials of the SS were used in experimentations upon.....enslaved persons in concentration camps throughout Europe. Experiments on human beings (including concentration camp inmates) without their consent were conducted by Farben to determine the effect of deadly gases, vaccines and related products."

95. Such experiments constitute crimes against humanity and, to the extent that other than German nationals were experimented upon, constitute War Crimes as well under sections 1 (b) and 1 (c) of Article II of Control Council Law No. 10.

(See Judgment Military Tribunal I, Case No. 1, p. 25)

The gravamen of the charge is that the defendants were principals in, accessories to, ordered and abetted, took a consenting part in, and were connected with plans or enterprises involving medical experiments upon human beings without the subject's consent. The murders, cruelties, and inhumane acts which took place in the course of and as a result of the experiments may be considered as an integral part of this crime or in aggravation of the crime.

96. For the purpose of facilitating the analysis of the evidence establishing the guilt of the defendants, this preliminary brief will not include the various documents which relate to experiments other than those conducted at the Buchenwald and Auschwitz concentration camps. The brief will be restricted to three separate series of experiments.

- A. Series of experiments conducted at Buchenwald concentration camp to determine the efficacy of Farben typhus vaccines.
- B. Series of experiments conducted at Buchenwald concentration camp to determine the efficacy of Farben chemo-therapeutics (acridine 3582), rotenol and methylene blue in the treatment of typhus.



C. Series of experiments conducted at Auschwitz concentration camp to determine the efficacy of the Farben chemo-therapeuticum (Acridine 3582) in the treatment of typhus.

A. Series of experiments conducted at Buchenwald concentration camp to determine the efficacy of Farben typhus vaccines.

97. The evidence establishes that:

- (a) Enslaved persons in the Buchenwald concentration camp were subjected without their consent to criminal medical experimentations resulting in bodily harm and death.
- (b) The experiments conducted were for the purpose of testing the efficacy of Farben products.
- (c) The defendants participated in, were accessories to, ordered, abetted, took a consenting part in, or were connected with the plans or enterprises involved in the commission of the criminal medical experiments.

98. The fact that human beings who were enslaved in Buchenwald and other concentration camps were subjected without their consent to criminal medical experiments is now well established (see Judgment, Case 1).

99. Dr. Hoven, who was the SS doctor in charge of Buchenwald, describes the procedure for selecting inmates for medical experiments clearly and succinctly. He states:

"The selection of inmates to be used for the purposes of medical experiments in Block 46 by the 'Institute for Spotted Fever and Virus Research' was as follows: Whenever Dr. Ding needed human beings for his work, a request was made to the Office of the Camp Commandant and referred to me for action. Usually a man named Schober, an SS-Hauptsturmfuehrer, notified me to select the necessary number of prisoners for these purposes. In accordance with this request I selected various inmates, at random, from the roster of the camp."

(Exh. 1610, HQ-429, Book 84, pp. 61-62)

100. Dr. Kogon, the Buchenwald inmate who was secretary to Dr. Ding and who has since written the well known book "The SS-State", described the selection of inmates for experimentation in the following manner:

"In Block 46 at Buchenwald concentration camp the medical experiments on human beings as ordered by Dr. Mrugowsky, Chief of the Hygiene Institute of the Waffen-SS, and conducted under the supervision of Dr. Schuler (Ding) were for the research on Spotted Fever and Virus...

"These medical experiments outlined above were conducted on involuntary inmates of the concentration camp. The methods for the selection of the inmates to be used for these experiments were two: a) Prior to autumn 1943, Dr. Joachim Mrugowsky ordered Dr. Schuler to take inmates of the Buchenwald concentration camp into Block 46 to conduct his experiments. Schuler then asked the SS doctor of the prisoner's hospital barracks to give him the necessary number of victims. The SS doctor in turn informed the camp commander and his staff to select the inmates to be used for the experiments at Block 46. Upon receipt of this request the SS leaders had a roll call and then chose, at random, the requested number of inmates regardless of their classifications, e.g., criminal prisoners, political prisoners, invalid prisoners, and even Allied prisoners."

(Exh. 1631, NO-281, Book 84, p. 72 b and c)

101. Arthur Dietzsch, the Capo inmate who assisted Dr. Ding in his experiments, in referring to the misery caused the patients by the bad tolerability of the Farben drugs, states that:

"the people there were not consulted, i.e., they had no freedom of will."

(Exh. 1630, NI-12184, Book 84, p. 69)

102. The fact that the experimentation on the unfortunate victims was not merely treatment with unknown and untried drugs but consisted rather in the artificial infection of these victims with the deadly typhus virus, is clear beyond question. The testimony is unanimous that

"At no time was there a typhus epidemic at Buchenwald. Isolated cases of typhus did not occur until the end of 1943 and beginning of 1944, and these involved a small number of new prisoners. All cases of typhus in existence at Buchenwald up to that time were induced by artificial infection."

(Exh. 1630, NI-12184, Book 84, p. 70)

"Up to the time of my arrest in September 1943, there was not a typhus epidemic nor a single case of typhus in Buchenwald that had broken out in the ordinary way. All typhus cases at Buchenwald were due to artificial infection."

(Exh. 1611, NL-12182, Book 64, p. 65)

103. Of course the most direct evidence are the simple entries which Dr. Ding, SS doctor who conducted the experiments at Buchenwald, made in his official diary. In the Ding Diary under the date of 5 January 1943 appears the entry:

"Preliminary test to determine the surest and most practical way of infecting human beings artificially."

Under the date 6 January 1942 - 1 February 1943 the entry in the Diary reads:

"Re typhus fever vaccines experiments Series I, execution of vaccines for immunization from typhus using the following vaccines.....
35 persons with vaccines 'Behring normal'
34 persons with 'Behring normal' and 'Behring strong'
10 persons for control"

And, finally, under the date 3 March 1943 appears the entry:

"All persons vaccinated for immunization between 6 Jan. 1942 and 1 Feb. 1943 and the 10 persons for control were infected with a virus culture."

104. It is equally clear that the experiments conducted were for the purpose of testing the efficacy of Farben products.

105. On 29 December 1941, at a meeting in the Reich Ministry of Interior, the development of a typhus vaccine was discussed. Present at that meeting, among others, were three representatives of Farben: Dr. Zahn of I.G. Leverkusen and Drs. Dornitz and Neumann of I.G. Behring Works. From the official minutes of the meeting, it appears to have been agreed that the

"vaccine presently produced by the Behring Works from chicken eggs shall be tested for its effectiveness in an experiment. For this purpose Dr. Dornitz will

contact Obersturmbannführer Dr. Mrugowsky.

"If this Behring Works vaccine is proved to be effective, the production capacity of Behring Works in Marburg shall be essentially increased."

(Exh. 469, HQ-1315, Book 84, p. 32)

106. It may be noted that Farben's participation in this early meeting which inaugurated the entire series of criminal typhus experiments, was not quite accidental. The Under Secretary of State, Dr. Conti, who called the meeting, had already been informed by defendant Mann who visited him personally the preceding week about the work done by Farben in the field of typhus vaccines. Two of the Farben representatives at the meeting, Dr. Zahn of Leverkusen and Dr. Demnitz of Behring Works, each drafted and filed his own report on the discussions and results of the meeting.

(Exh. 1606, WL-12181, Book 84, p. 33-35)

Exh. 1607, WL-12183, Book 84, p. 36-40)

107. The Tribunal will recall the objections which were made to the first page of the Ding Diary. The first entry on that page is the entry dated 29-December 1941 and refers to a meeting at which Dr. Conti and Dr. Mrugowsky, among others, were present and wherein it was

"established that the need exists to test the efficacy of and resistance of the human body to, the spotted fever serum extracted from egg yolks. Since tests on animals are not of sufficient value, tests on human beings must be carried out."

108. Under date 2 January 1942, appears the entry:

"The concentration camp Buchenwald is chosen for the testing of spotted fever serums. SS Hauptsturmführer Dr. Ding is charged with making these tests."

109. In Dr. Demnitz' (I.G. Behring Works) report of the meeting of 29 December 1941, the following significant items should be noted:

First - that Dr. Demnitz had to do a "selling job" on the Behring Works egg vaccine in view of the very critical opinion the military authorities had of that vaccine.

- Second - that it was pointed out at the meeting that Germany proper (Altreich) is free of typhus to a great extent.
- Third - that the inclusion of the Behring Works vaccine in the projected series of experiments was decided upon only after "we asked that the Behring Works vaccine should also be included",
- Fourth - that a "plan for experiments was arranged with Dr. Mrugowsky", and
- Fifth - that Demnitz will prepare the vaccine in the present form and in double strength for this experiment and will contact Dr. Mrugowsky.

(Exh. 1607, NL-12183, Book 84, p. 38)

110. Passing over the preliminary preparations that Dr. Ding immediately carried out at Buchenwald to make ready for the projected series of experiments, the Tribunal's attention is directed to the next Farben step in carrying out its agreed role in the experimental series. On 14 January 1942, I.G. Farben Behring Works wrote the following to the concentration camp Buchenwald:

"With reference to various conversations which members of our staff have had with the gentlemen from the Hygienic Institute of the Waffen SS, Knesebeckstrasse 43-44, Berlin, we are taking the liberty of today sending you free of charge, by express, 7 x 24 cc Typhus vaccine for fifty persons. This vaccine is concentrated and is at least twice as strong as the Typhus Vaccine which the Hygienic Institute of Waffen SS has already received through the left hand Signatory. As you know, experiments with other vaccines besides the concentrated one we are sending you today and the vaccines which we produced formerly are also to be carried out."

(Exh. 1609, NL-10255, Book 84, p. 41)

That the foregoing letter from I.G. Farben Behring Works, forwarding the Farben Vaccine free of charge to the concentration camp Buchenwald, is the direct consequence of the meeting of the 29th of December, is self-evident from its contents. Moreover, Berlin, Knesebeckstrasse 43-44, is the address of Dr. Mrugowsky, the same person whom Dr. Demnitz was to contact for "Experiments with the Behring Work Vaccine", and the

same person who on the 29th of December had agreed that "tests on human beings must be carried out."

(Exh. 1508, NO-365, Book 84, p. 42)

Finally, it was the same Dr. Krugowsky from whom Dr. Ding received his instructions with respect to the carrying out of experiments on human beings.

(Exh. 1631, NO-281, Book 84, p. 72B)

111. Dr. Dennitz sent several strengths of the Behring Works Vaccine to the concentration camp Buchenwald just as he had said he would do in his report on the meeting of the 29th of December when he stated:

"We intend to prepare the Vaccine in its present form and double strength for this experiment and to inform Dr. Krugowsky."

Moreover, lest there be any confusion as to whether more than one of the strengths of the Vaccine were to be used in the experiment, Dr. Dennitz made it perfectly clear that the experiments were to be carried out with respect to the

"concentrated one which we are sending you today and the Vaccine which we produced formerly".

(Exh. 1509, NI-10255, Book 84, p. 41)

112. Thus, Dr. Ding was able to record in his Diary, the entry 6 January - 1 February 1942:

[Execution of vaccination for the immunization from spotted fever using the following vaccines:.....
(3) 35 persons with vaccine "Behring Normal"....
(4) 34 persons with "Behring Normal" "Behring Strong".....
(5) 10 persons for control]

and the Diary entry 3 March 1942 recorded the completion of the experimental cycle:

"All persons vaccinated for immunization between 6 January 1942 and 1 February 1942 and the 10 persons for control were infected with a virus culture".

The closing report on this first spotted fever experimental series indicated five deaths.

(Exh. 1608, HQ-265, Book 84, p. 43)

113. In summary,

- (a) The agreement to test the efficacy of the Behring Works vaccine was reached at the urging of the Farben representatives,
- (b) The necessary Farben vaccines were shipped to the Buchenwald concentration camp mentioning that they were to be used in the tests to be carried out in Buchenwald,
- (c) The entry in the official Diary of the SS doctor Ding, who conducted the experiments, indicated that of the human subjects experimented upon, 35 were vaccinated with Farben's Behring Normal and 34 persons with Farben's Behring Normal Behring Strong.

It may be added that the affidavits of the SS Dr. Koven, the concentration camp doctor at Buchenwald; the Capo Dietsch, Dr. Ding's assistant; and Dr. Kogen, the inmate secretary to Dr. Ding, all state clearly and emphatically not only that criminal experiments were conducted in Buchenwald for the purpose of testing the efficacy of Farben products, but that the initiative in causing the experiments to be made was the initiative of Farben.

(Exh. 1611, NI-12182, Book 84, p. 65;
Exh. 1630, NI-12184, Book 84, p. 67-68;
Exh. 1631, HQ-261, Book 84, p. 72E)

114. For several years prior to the December 1941 meeting, practically every plant of Farben which had any connection with pharmaceuticals had shipped preparations for testing to the Buchenwald concentration camp:

- (a) As far back as 1939, the I.G. Farben Behring Works sent pharmaceutical preparations to the Buchenwald concentration camp with the full knowledge:

- (a) That the address Weimar/Buchenwald and Buchenwald concentration camp were the same place;
- (b) That concentration camp inmates were to be used for the testing of the Farben preparations, and
- (c) That the Main Medical Office (HSI) was a procurement office for the concentration camp.

(Exh. 1601, NI-12178, Book 84, p. 20;
Exh. 1603, NI-12176, Book 84, p. 28)

- (b) Also, as far back as 1939, I.G. Farben Pharma Buero Leipzig shipped Farben preparations to Buchenwald, fully aware that it was a concentration camp and aware also that the financial dealings with the concentration camp Buchenwald were handled through the SS Main Medical Office

(Exh. 1602, NI-12177, Book 84, pp. 22-23)

- (c) As early as March 1941, I.G. Farben Hoechst shipped Farben preparations to Buchenwald, fully aware that Buchenwald was a concentration camp and that Weimar/Buchenwald and concentration camp Buchenwald were the same place.

(Exh. 1604, NI-12179, Book 84, p. 29)

- (d) Also, in March 1941 I.G. Farben Leverkusen was aware that Buchenwald was a concentration camp and that Weimar/Buchenwald and the concentration camp Buchenwald were the same place.

(Exh. 1605, NI-12180, Book 84, p. 30)

115. The foreknowledge that the subjects of experimentation are concentration camp inmates carries with it undeniable notice that few, if any, of the requirements of permissible medical experiments, as set forth in the Judgment of Military Tribunal No. 1 (see Judgment, Case No. 1, pp. 21-25), will be complied with. A discussion of a few of these requirements will suffice at this point.

- (a) The first basic principle which "must be observed in order to satisfy moral, ethical, and legal concepts" is

"The voluntary consent of the human subject is absolutely essential".

Considering the status of a concentration camp inmate, it is hardly possible to say, in the words of Military Tribunal No. 1:

"that he was so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of restraint or coercion, or see that he had sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision".

Also there is but small likelihood that the SS would make known to him:

"the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be experienced; and the effects upon his health or person which may possibly come from his participation in the experiments".

It is quite manifest that the moral environment implicit in these standards comes from a different world than that in which concentration camp inmates lived.

(b) The second requirement is that

"The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study and not random and unnecessary in nature".

On this point the evidence is abundant, both that Farben did not want to waste time on prior laboratory tests, and that Farben encouraged experiments wherever it could find a willing doctor who had available victims.

(c) "The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment."

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(c) "The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment."

Here again, the evidence is abundant that Farben pushed experimentation with its untried and untested products.

- (d) "The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury."

It is rather difficult to picture the SS members engaged in a program of ruthless extermination of millions of concentration camp inmates avoiding "all unnecessary physical and mental suffering and injury".

116. SS Dr. Hoven to whom Farben addressed almost all its Buchenwald correspondence and to whose name it shipped its chemical preparations for testing, states:

"Upon Dr. Ding's instructions, the correspondence conducted between I.G. and Dr. Ding was signed by me as an outsider - for camouflage purposes -, without my understanding anything about these typhus matters. Under the arrangement between Dr. Ding and the I.G., according to which various consignments of I.G. preparations earmarked for the typhus experiments in Block 46 were directed to my address, my name was likewise used as a cloak....."

(Exh. 1611, NI-12182, Book 64, p. 64)

117. Arthur Dietzsch, who had the closest contact with the actual experiments, fully corroborates the testimony of Dr. Hoven stating:

"Whenever mail from the I.G., addressed to the camp or station doctor, arrived at the concentration camp Buchenwald, a telephone call was automatically put through from the prisoners hospital to Block 46, since it was known that such mail was always destined for the typhus experiments in Block 46. A prisoner, at times I myself, then went to fetch this mail for Block 46."

(Exh. 1630, NI-12184, Book 64, p. 68)

Dietzsch also states in this same affidavit:

"One of the I.G. officials (Dr. Weber) was in block 46 for about half an hour in the middle of 1943. On this occasion I stood next to him and showed him the large graphs of the individual case histories which were kept for every prisoner suffering from typhus. The first entry on the graphs was 'Day of Infection'. The next entry was 'Incubation Period', that is, the period from the day of infection to the first day of the disease, i.e., in this case, typhus. Dr. Weber was very depressed about the results of experiments with I.G. drugs and kept shrugging his shoulders. During the conversation with Ding-Schuler he stated: 'Officially, the I.G. would like to remain in ignorance of the experiments on human beings or of artificial infection being practiced on human beings.'"

116. Dr. Kogon, editor, author, banker, who was the inmate secretary to Dr. Ding, stated:

"Complete reports of the experiments mentioned in this affidavit were prepared by Dr. Schuler and Dr. Ellenbeck. In the case of the Schuler (Ding) experiments, I, personally, had to handle the reports in my capacity as chief private secretary to Schuler. These reports consisted of the minute details of every single case of each patient experimented upon. In fact, the reports were complete with detailed charts, indicating the fever curves, the death rates, the complications, etc. The list for distribution of these reports was as follows:

Dr. Joachim Mrugowski

Military Medical Academy at Berlin

Reich. Minister of the Interior
c/o Ministerialrat Dr. Christiansen

Dr. Helmut Poppendick
Chief of the Reich Research Office V in Leipzig

I.G. Farben, Hoechst

Behring Werke"

(Exh. 1631, NO-281, Book 84, p. 72)

119. According to Dietzsch these charts sent by Kogon to Farben contained even the day of infection and period of incubation, so that

anyone receiving these charts could not help but know that the experiments involved artificial infection.

120. On the 17th of April 1942 Dr. Bieber, who was in charge of the original meeting of 29 December 1941, writes to the I.G. Farben Behring Works:

"In answer to your letter of 21 March 1942 - D/Sch.

The typhus vaccine manufactured by you has proved less effective than the egg cultivated vaccine of the Robert Koch Institute."

(Exh.1632, NO-1439, Book 24, p. 73)

It will be recalled that the minutes of the original meeting prepared by Dr. Bieber state:

"The vaccine that is presently being produced by the Behring Works from chicken eggs shall be tested for its effectiveness in an experiment. For this purpose Dr. Demnitz will contact Obersturmbannführer Dr. Mrugowsky."

121. The Farben product had been tested and had been found wanting. Thereafter Farben continued to urge further experimentation with its poor product.

(Exh.1633, NI-10,176, Book 24, p.76)

(Exh.1634, NI-10,175, Book 24, p. 77)

Of even more significance is the fact that Farben was inquiring about the results of experimentation within two months after the delivery of its preparation to Buchenwald. It is obvious that under the circumstances the only way in which intelligent results could be obtained within that period of time would be through artificial infections. In view of the foregoing facts, certain questions become very pertinent.

122. On 19 September 1942, long after the detailed reports, charts, etc. have been in the ordinary course sent to I.G. Farben, Dr. Demnitz writes to SS Dr. Mrugowsky concerning a typhus absorbent vaccine stating that:

"We only have very little experience regarding the effects on human beings..... We could again produce such vaccines and supply them to you for test purposes..... The vaccines may then be tested by way of comparison on human beings..... We will proceed with the new work if you will inform us that you intend carrying out the tests in your sphere of activity and that you have enough persons at your disposal so that no objections will later be raised."

(Exh. 1633, NL-10176, Book 84, p. 75-76)

- B Series of experiments conducted at Buchenwald concentration camp to determine the efficacy of Farben chemo-therapeutica (acridine 3582), Rutamol, and Methylene blue in the treatment of typhus.

123. As in the case of its vaccines, Farben took the initiative in causing experiments to be made to test the efficacy of its chemo-therapeuticum (Acridine 3582) as a cure for typhus. Since it was I.G. Farben Behring Works which had negotiated with the SS Dr. Mrugowsky for the testing of the Behring Works vaccine by the SS in concentration camps, it was quite natural that the directors of I.G. Hoechst should contact those of I.G. Behring Works asking that Dr. Mrugowsky be informed that I.G. Hoechst had made progress with its preparation 3582 for typhus and that

"We will be very much obliged to you if you could establish contact between us and Dr. M. in this matter." (26 August 1942)

(Exh. 1637, NI-11,427, Book 85, p. 3)
(Exh. 1636, NI-12,245, Book 85, p. 1)

124. By September 10, Dr. Kohlhaas of I.G. Behring Works had conferred with the SS Dr. Mrugowsky and reports that

"Testing of typhus preparation 3582, Dr. Mrugowsky being handed a report about the preparation and he declares himself prepared to carry out, in appropriate cases, experiments with 3582 and necessary material for this purpose will be put at his disposal..... In our presence, he, (Dr. Mrugowsky) called in the Deputy Chief Medical Officer to whom he gave the appropriate instructions about the testing of the preparations...."

(Exh. 1638, NI-9701, Book 85, p. 6)

By the 21st of September 1942, the quantities of the preparation are sent to Mrugowsky "for the carrying out of the initial experiments" and Mrugowsky was notified that he can get additional quantities of the Farben preparations from the I.G. Bayer office in Berlin and the I.G. Behring Works in Berlin.

(Exh. 1639, NI-11,433, Book 85, p. 3)
(Exh. 1640, NI-11,432, Book 85, p.10)

125. By 10 January 1943 the preparations and the instructions have reached Dr. Ding in the concentration camp Buchenwald and the new series of experiments with the Farben product acridine 3582 is recorded in his official diary as follows :

"Therapeutic experiments acridine and methylene blue (also I.G. product) on suggestion of the I.G. Farben Industry A.G. as spotted fever therapeutic were tested :

- (a) preparation 3582 "acridine" of the chemical pharmaceutical and sero-bacteriological department in Frankfurt-on-Main-Hoechst, Professor Lautenschlaeger and Dr. Weber -

(Therapeutic Experiment A)

- (b) Methylene blue tested in an experiment on mice by Professor Kiekuth, Elberfeld (I.G.)

(Therapeutic Experiment M)"

Under the date of 26 January 1943 the diary records

"artificial infection ... :

20 persons for therapeutic experiment A : acridine
20 persons for therapeutic experiment M : methylene
7 persons for control."

Then, on 20 February 1943, the diary indicates that the

"research series was designated to the manufacturer 'negative' as the persons for control could not be infected clearly.

1 death in therapeutic experiment acridine."

126. Just about the time that Dr. Ding completed "on the suggestion of the I.G. Farbenindustrie" the first series of experiments with Farben's chemo-therapeutic 3582, defendant Lautenschlaeger forwarded to Dr. Hoven additional "test quantities of 3582" in accordance with "an agreement with Sturmbannfuhrer Dr. Ding." It is interesting that not only did defendant Lautenschlaeger participate in the shipping of the Farben preparations for experimentation but he was fully aware of the fact

that Dr. Hoven was merely a blind for Dr. Ding. Dr. Hoven's testimony about the camouflage agreement between I.G. Farben and Ding is fully borne out.

(Exh. 1652, NI-9713, Book 85, p. 59)

127. At this point it may be noted also that the defendant Lautenschlaeger was aware of the fact that when SS Dr. Krugowsky agreed to the making of tests on human subjects, it was the SS Dr. Ding who actually performed the experiments.

(Exh. 1654, NI-9727, Book 85, p. 62)

(Exh. 1653, NI-9728, Book 85, p. 63)

128. The fact that the experiment with the Farben therapeutics was a failure was communicated to the Farben people by Ding himself.

(Exh. 1654, NI-9727, Book 85, p. 62)

129. Dietzsch's description of the therapeutic experiments is more detailed:

"On I.G.'s request Dr. Ding carried out experiments with the I.G. drugs Acridine and Rutanol (3582) on prisoners artificially infected with typhus in block 46. The I.G. had sent incredible quantities of these drugs to Buchenwald.

"The very first tests with Acridine proved, however, that it was practically worthless; in addition, its tolerability is exceedingly poor. The patients, as is shown on the charts, frequently vomited 10 to 12 times a day. These fits of vomiting weakened the constitution of the patients tremendously and they became still more susceptible, i.e., the artificially introduced typhus organism became still more dangerous to the weakened constitution. Even a perfectly fit man would feel very miserable after vomiting 10 to 12 times a day ...

"Dr. Ding wanted to discontinue the experiments with Acridine. The I.G., however, was interested in having these experiments continued and, as Dr. Ding told me, urged that they be carried further. I remember that Dr. Ding was indignant about these harmful drugs"

(Exh. 1663, NI-12,184, Book 85, p. 83)

130. On the 27th of March defendant Lautenschlaeger wrote one letter to SS Dr. Ding and one to SS Dr. Krugowsky indicating that it was regrettable that further experiments could not be carried out as intended and suggesting that it would be "... very desirable for the

progress of our work on typhus research" if Mrugowsky or one of his representatives could visit the Hoechst plant.

(Exh. 1657, NI-9730, Book 85, p. 67)
(Exh. 1658, NI-9732, Book 85, p. 68)

131. Dr. Ding, as a result of I.G.'s request, received permission from Dr. Mrugowsky to visit Lautenschlaeger and the other Farben officials at I.G. Farben Hoechst.

(Exh. 1658, NI-9732, Book 85, p. 68)
(Exh. 1660, NI-9733, Book 85, p. 73)
(Exh. 1661, NI-9735, Book 85, p. 74)

132. On 13-14 April 1943 Dr. Ding records in his diary that

"... Unit of SS-Sturmabfuhrer Dr. Ding ordered to I.G. Farbenindustrie A.G. Hoechst. Conference with Prof. Lautenschlaeger, Dr. Weber and Dr. Fuesangner about the experimental series 'Acridin granulate and Eutenol' in the concentration camp Buchenwald."

(Exh. 1608, NO-265, Book 85, p. 31)

133. At this conference Dr. Ding explained the carrying out of the experiments and their lack of success. The defendant Lautenschlaeger, who denies that he knew from the beginning that Ding's experiments were carried out through artificial infection, admits that after Ding's visit to Hoechst there was no longer any doubt. Lautenschlaeger states:

"Although I could see from the curves that after a relatively short period the outcome of the disease was usually fatal, I remarked to Dr. Ding that his results were considerably less favorable than those which Dr. Julius Weber had reported to me from other clinics. Dr. Ding stated that his cases had been kept under very close observation and that it was a question of 'induced infection'.

"After the talk with Dr. Ding, it was clear to me from his use of the expression 'induced infection' that Dr. Ding had not been carrying out clinical tests on soldiers with typhus, but on artificially infected people. From then on I refused to have the preparation supplied to Dr. Ding for experimental purposes.... We decided that the corres-

pondence with Dr. Ding should cease at once and that he should receive no new preparations or further quantities of preparation 3582."

(Exh. 1520, NI-9811, Book 85, pp. 76,77)

134. On the 17th of April, 1943, defendant Lautenschlaeger having "learned" of the criminal nature of Dr. Ding's experiments in Buchenwald, wrote to SS Dr. Mrugowsky :

"We would like to express our thanks to you once more for sending Sturmbannfuhrer Dr. Ding to the conference in Hoechst. The discussion with Dr. Ding was of great value to us."

(Exh. 1662, NI-11,424, Book 85, p. 80)

135. Lautenschlaeger's statement that he and Dr. Weber decided that "correspondence with Dr. Ding should cease at once and that he should receive no new preparations or further quantities of preparation 3582" is flatly contradicted by the evidence which shows not the slightest break in their relationship with the SS Dr. Ding or his chief SS Dr. Mrugowsky:

- (a) Even while Ding was still at Hoechst, the agreement was reached that he (Ding) would be supplied 2,000 fever graphs. I.G. Hoechst printed and sent them to him.

(Exh. 1663, NI-9737, Book 85, p. 89)

(Exh. 1665, NI-9741, Book 85, p. 92)

- (b) On the 19th of April 1943, Dr. Weber wrote to Prof. Bieling of I.G. Behring Works bringing him up to date on Farben's typhus experiments with its chemo-therapeutic preparations. Dr. Weber states :

"The present situation is as follows : We are testing a granulate of the 3582 base...Furthermore, we are testing the combination of 3582 with arsenic acid under the designation Rutanol. Our interests are now centered on Dr. Ding's experiments, the conclusion of which is to be expected in about four weeks' time."

(Exh. 1664, NI-11,425, Book 85, pp.90,91)

- (c) The first entry in the Ding diary following Dr. Ding's visit

with Lautenschlaeger at Hoechst, states:

"On 24 April 1943, therapeutic experiments with Acridine granulate (A-GH2) and Rutenol (R-2). To carry out the therapeutic experiments, Acridine-granulate and Rutenol, 30 persons (15 each) and 9 persons for control were infected by intravenous injection of 2 ccm each of fresh blood of a spotted fever sick person. All experimental persons got very serious spotted fever.

"1 June 1943 charts of case history completed. The experimental series was concluded. 21 deaths:

(8 with Acridine granulate)
(8 with Rutenol)
(5 control)"

(Exh. 1608, NO-365, Book 85, p. 31)

- (d) On the 8th of June 1943 defendant Lautenschlaeger writes to SS Dr. Mrugowsky:

"The clinical experiments with preparation 3582 which we have carried out in various places have generally not turned out as we expected.... We are therefore inclined to think that the frequent vomiting of typhus patients after taking preparation 3582 must be due to central effects and we have recently started experiments to try to maintain the tolerance for 3582 by giving chlorotone at the same time. For this purpose we are making chlorotone in the form of 0.5 capsules available to the testers. Should you require chlorotone capsules for the continuation of the experiments, please order this material from us, stating with how many cases you expect to have to deal."

(Exh. 1666, NI-9743, Book 85, p. 94)

- (e) On the 15th of June 1943 Dr. Weber writes to Ding acknowledging receipt of his letter of 10 June 1943 and stating:

"Your other requests about deliveries to Dr. Hoven are also being dealt with and it will be possible to settle them within the next few days."

(Exh. 1667, NI-11497, Book 86, p. 1)

- (f) On 17 June 1943 defendant Lautenschlaeger, at the request of Mrugowsky's office, writes to Dr. Ding to arrange for a conference between Dr. Ding and Dr. Weber to discuss Dr. Ding's results.

(Exh. 1668, NI-11498, Book 86, p. 2)

C. Series of experiments conducted at Auschwitz concentration camp to determine the efficacy of the Farben chemo-therapeuticum (Acridine 3583) in the treatment of typhus.

136. As previously indicated, the discussion of the evidence has been limited to three separate series of experiments conducted at two concentration camps, Buchenwald and Auschwitz. The experiments at Auschwitz are discussed here because, although they were conducted with the same Farben product as some of the experiments at Buchenwald, certain new aspects enter in which were not involved in the Buchenwald experiments. In particular, the evidence shows that these medical experiments were not only performed for the purpose of testing Farben products but were actually carried out by an employee of Farben, who was used by Farben to test its products in the various concentration camps in which he was stationed during a period of over four years.

137. In October, 1933, Dr. Helmut Vetter joined the SS. On 17 February 1938 Vetter was employed by I.G. Leverkusen. From 1941 to the end of the war Vetter served in the Waffen SS while in the employ of Farben, and was stationed in the concentration camps at Oranienburg, Dachau, Auschwitz, and Gusen-Mauthausen.

(Exh. 1691, NL-12454, Book 87, pp. 1-3)

138. As the evidence reveals (See Document Books 87 and 88), from 1941 to 1945 Farben sent preparations to Vetter at whatever concentration camp he was stationed. Vetter was in constant contact with I.G. Leverkusen and made frequent verbal and written reports as to his observations. The correspondence in evidence between Vetter and I.G. Leverkusen (Hoerlein) and also between Vetter and I.G. Hoechst (Lautenschlaeger) starts on 4 August 1941 when Dr. Vetter states:

"I am in the southern part of the Reich in one of the largest and best equipped concentration camps....I have thrown myself into my work

wholeheartedly, especially as I have an opportunity to test our new preparations."

(Exh. 1692, NI-9402, Book 87, p. 7)

This correspondence ends on the 7th of February 1945 when Dr.

Peckmuhl (under Lautenschlaeger) of I.G. Farben Hoechst writes to Hauptsturmfuehrer Vetter, Concentration Camp Mauthausen-Gusen as follows:

"As we have had to suspend work in our plants and laboratories owing to coal shortage, we shall not until further notice, be in a position to manufacture experimental preparations on the scale originally planned. That applies especially to the 3582-granulate which we have ordered for you but which cannot be manufactured for the time being. We have still at our disposal 35 glass tubes of 10 tablets each, of Preparation 3582, at 0.25 which we can let you have in the meantime until we can produce the granulate."

(Exh. 1737, NI-9443, Book 88, p. 38)

139. A few examples of the constant contact between Vetter and I.G. Leverkusen during this period are: (a) a phone call from Vetter to Leverkusen on 15 June 1942 informing Dr. Mertens (directly responsible to Hoerlein) of Leverkusen of the experiments at Auschwitz,

(Exh. 1697, NI-9406, Book 87, p. 19);

(b) another phone call on 26 August 1942,

(Exh. 1698, NI-9407, Book 87, p. 20);

(c) visit by Vetter to Leverkusen on 19 November 1942, coming from Auschwitz for a conference concerning Farben preparations, including acridine 3582,

(Exh. 1699, NI-9408, Book 87, p. 22);

(d) another conference on 24 February 1943 at Leverkusen,

(Exh. 1704, NI-9410, Book 87, p. 35);

and (e) a visit on 13 December 1943 at Leverkusen,

(Exh. 1720, NI-9423, Book 88, p. 6).

140. It is interesting to note that the letter from Hoechst to Vetter on 7 February 1945 was about two years after Lautenschlaeger admittedly knew that the experiments at Buchenwald were criminal and were conducted through artificial infections.

141. Experiments conducted by Dr. Vetter were similar to those in Buchenwald. The deliveries of Acridine 3582 to Auschwitz starts on 2 December 1942 when I.G. Farben Leverkusen informs I.G. Farben Hoechst:

"Subject: Nitroacridine Preparation 3582
We thank you for sending the expose and should like to inform you that we have decided to use the 1,000 tablets placed at our disposal for having the preparation tested by
Herr SS-Obersturmfuehrer Dr. H. V e t t e r

"As in the previous year, Dr. Vetter has a large typhus station in Auschwitz, where he has the opportunity to make a thorough investigation of new medicaments.

"We will advise you of the progress of the investigation and we request you for your part to let us know of any information on clinical experiments with this preparation reaching you through your research scientists."

(Exh. 1700, NI-9405, Book 87, p. 25)

142. I.G. Farben Hoechst (signature of Dr. Bockmuhl) answers Leverkusen:

"Nitroacridine Preparation 3582

We welcome the information that Dr. Vetter is assuming responsibility for the examination of 3582 and thank you for your efforts in this matter. In connection with 3582, we should also like to inform you that we have observed only 2 cases treated with 3582 in a clinic associated with our work. Of these, one was a laboratory infection. In both cases, the fever promptly subsided upon administration of 3582, but the cases have little significance, as no control experiments could be carried out. We are therefore very anxious to see what results Dr. Vetter will obtain."

(Exh. 1701, NI-11413, Book 87, p. 27)

143. Dr. Vetter then embarked on a series of experiments with 3582 at Auschwitz, at times using artificial infections. The inmate Dr. Tondos at concentration camp Auschwitz states in his affidavit:

"In 1942 the SS doctor Helmuth Vetter arrived in the concentration camp at Auschwitz. My fellow-doctors amongst the prisoners knew him from before the war, when Vetter as a representative of the firm Bayer travelled in Poland, advertising various preparations of this firm. After his arrival various previously unknown preparations, such as Rutenol and others, the names of which I cannot recall, began to be used for treatment, at first of spotted fever. In order to test these new preparations the healthy prisoners were infected by means of transfusions of blood from the sick, the amount being 5 ccm. These infected prisoners had been treated with new preparations. These were all preparations produced by the firm Bayer. We noted on the basis of our observations that these preparations did not cure the spotted fever and the majority of the patients died....."

(Exh. 1715, NI-12452, Book 87, p. 64)

144. Klodzinaki, inmate doctor at Auschwitz, stated in his affidavit:

"Vetter personally injected the Jews with typhus by means of blood transfusions from sick to sound persons in a quantity of 1-10 ccm of blood. He made observations concerning the incubation and course of the disease. These treatments resulted in death. There were two victims, Dutch Jews..."

(Exh. 1717, NI-11690, Book 87, p. 72)

145. Even after Dr. Vetter was transferred to concentration camp Gusen/Mauthausen, the experiments for Farben at Auschwitz continued and Dr. Vetter used to visit Auschwitz in order to get the results of these experiments. Dr. Feikel, inmate doctor at Auschwitz, states in his affidavit:

"After the transfer of Vetter from Auschwitz to Mauthausen, on his order and instruction the preparations were continued to be used in Auschwitz. Vetter came over from Mauthausen in order to check the results obtained in Auschwitz. As we did not obtain any positive results, Vetter was obviously

dissatisfied and states that he had obtained very good results in treatment of tuberculosis in Mauthausen."

(Exh. 1716, NI-12451, Book 87, p. 68)

146. The results achieved by Vetter can be seen from the inter-office memorandum between Hoechst and Leverkusen of 19 March 1943:

"As far as the results of the cure reported by Dr. Vetter are concerned, they can unfortunately not be called exactly overwhelming. But if Dr. Vetter determines a mortality rate of 30% in cases treated with 3582, while in the cases not treated he gives the figure of 34%, one can admittedly hardly speak of an increase in the mortality rate through 3582, but only of a not very convincing effectiveness..... We are sorry that Dr. Vetter is no longer in a position to continue with his experiments, as we should have been glad to see him pass judgment on Rutenol as well."

(Exh. 1703, NI-9411, Book 87, pp. 33-34)

147. Besides the artificial infection of inmates in order to test the preparation 3582 and Acridin and Rutenol, Vetter conducted for Hoechst experiments which had the sole purpose of determining the digestibility of Farben preparations.

"Dear Dr. Vetter,

"During a discussion on the question of typhus preparation 3582 at which Dr. Koenig was present, we ascertained that there are some points connected with the tolerability of this preparation which are still obscure. These we should like to describe to you in detail in the following....

"Difficulties have now arisen, however, in that unexpected complaints on the tolerability of the preparation have been loudly voiced from isolated quarters with the result that over-anxious research workers have discontinued the experiments to the execution of which we attach the greatest importance. The symptoms of tolerability were by no means of a general nature, but were apparent only in that the patient brought up the dose of 3582 which had been administered, as it had obviously acted as an irritant on the stomach wall...."

(Exh. 1661, NI-11417, Book 87, p. 28)

148. On 19 March 1943 Dr. Vetter, Bayer, informs Hoechst that the digestibility of the preparation was not good:

"We thank you for sending on Dr. Vetter's report and should like to note on the question of stomach tolerance that it would be better not to

issue any more of the tablets in the future, but henceforth to issue only the 5% granulate. The tablet material still in stock can be converted. We consider it unnecessary that the tablet material already issued to the research scientists be recalled.*

(Exh. 1703, NI-9411, Book 87, p. 33)

149. Farben's employee, Vetter, conducted experiments with Farben products not only in SS concentration camps but also in Farben's own concentration camp Monowitz.

(Exh. 1489, NI-10928, Book 75, p. 184)

150. It is the position of the Prosecution that the defendants who were members of the Vorstand participated in the criminal medical experiments referred to above, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with the commission of said crimes.*

151. In considering the extent of the participation and knowledge on the part of the defendants in connection with these criminal medical experiments, it must be borne in mind that such experiments were conducted over a period of years. Farben vaccines and Farben therapeutics were used over a period of years in medical experiments which were not only conducted without the subject's consent but were conducted through the use of artificial infections, resulting in serious illnesses and many times in death. These vaccines and therapeutics were delivered from Hoechst, Behring Werke, Marburg, Leverkusen, and the Emil D. Behring Institute. The files and records of Hoechst, Behring Werke, Marburg, Leverkusen and the sales agency Bayer through which many of these transactions passed are replete with correspondence and memoranda concerning these medical experiments.

152. It is true that Hoerlein and Lautenschlaeger were the top pharmaceutical men in Farben directly in charge of the manufacture and production of pharmaceuticals at Hoechst, Behring Werke, Marburg,

* For a general discussion of the responsibility of members of the Vorstand for activities carried on through the instrumentality of Farben, see Part VI of this brief.

and Leverkusen; and that Mann was in charge of the sales agency Bayer. The other members of the Vorstand, however, are in no position to deny responsibility on the grounds that these activities were of such insignificance that Hoerlein, Lautenschlaeger, and Mann never reported to or informed the Vorstand with respect to such activities; or that they did not know what was happening at Hoechst, Behring Werke, Marburg, Leverkusen, Emil D. Behring Institute, or Bayer over a period of years. The words of Military Tribunal I, in referring to Karl Brandt's connection with medical experiments, are as applicable here as they are in connection with the supplying of poison gas (see sub-division III supra):

"Had he made the slightest investigation he could have ascertained that such experiments were being conducted on non-German nationals without their consent and in flagrant disregard of their personal rights.....Occupying the position he did.... the duty rested upon him to make some adequate investigation concerning the medical experiments which he knew had been, were being, and doubtless would continue to be conducted in the concentration camps."

(Judgment, Military Tribunal I, Case No. 1, p. 42)

In commenting on Brandt's defense that he did not follow the program further but left the administrative details of execution to another, the Court stated:

"If this be true, his failure to follow up the program for which he was charged with special responsibility constituted the gravest breach of duty. A discharge of that duty would have easily revealed what now is so manifestly evident from the record: That whatever may have been the original aim of the program, its purposes were prostituted by men for whom Brandt was responsible and great numbers of non-German nationals were exterminated under its authority.... The evidence is conclusive that persons were included in the program who were non-German nationals. The dereliction of the defendant Brandt contributed to their extermination. That is enough to require this Tribunal to find that he is criminally responsible in the program."

(Judgment, Military Tribunal I, Case No. 1, p. 50)

153. The Tribunal's attention is also directed to the Judgment of Tribunal II in Case No. 4 (Pohl Case); the Judgment of the International Military Tribunal with respect to Funk; and the U. S. Supreme Court Case of Direct Sales Company vs United States; all of which are referred to in sub-division III, supra, at pages 58 and 59.

The factual similarity between Direct Sales Company vs. United States and this case is particularly striking.

V. FARBEN AT AUSCHWITZ

154. The evidence introduced under Count III-C proves beyond a reasonable doubt that:

A. The defendants took the initiative in selecting the Auschwitz site for the building of Farben's fourth buna plant, with full knowledge of the existence of the concentration camp Auschwitz and in contemplation of the use of the inmates in the construction and operation of the buna plant.

B. The defendants took the initiative in obtaining concentration camp inmates for the construction of the plant and kept pressing for larger and larger numbers of healthy inmates during the course of construction.

C. The conditions under which the slave laborers, particularly the concentration camp inmates, worked and lived on the Farben construction site and in the Farben factory, were inhumane and resulted in the death of thousands of human beings.

D. The inmates who were no longer fit to work on the Farben construction project or in the Farben factory were sent to the gas chambers; and the defendants' inhumane drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work.

E. The defendants are criminally responsible for these activities pursuant to the provisions of Article II of Control Council Law No. 10.

- A. The defendants took the initiative in selecting the Auschwitz site for the building of Farben's fourth buna plant, with full knowledge of the existence of the concentration camp Auschwitz and in contemplation of the use of the inmates in the construction and operation of the buna plant.

155. Because of the lack of natural rubber in Germany, the production of buna was vital to the German war machine. I. G. Farben was the sole producer of buna in Germany, and the primary responsibility for maintaining the necessary buna production was assumed by the defendants Krauch, ter Meer and Ambros.

(Exh. 1408, WI-11781, Book 72, p. 1)
(Exh. 1420, WI-1434, Book 72, pp. 65-66)
(Exh. 1414, WI-11113, Book 72, p. 27)
(Appendix A of Indictment)

156. After the decision was made to build a fourth buna plant, Ambros was given the assignment of canvassing the various possibilities in order to find a suitable site.

(Exh. 1408, WI-11781, Book 72, p. 1)
(Exh. 1419, WI-9542, Book 72, p. 48)

Among the sites considered was the territory adjoining the city of Auschwitz in Poland. Through a series of letters, inspection trips, and reports, defendant Ambros became fully familiar with prevailing conditions at Auschwitz. Thus, on 7 January 1941 he was informed that the locality of Auschwitz is still being used as a reservoir of Jewish manpower, and that when the Jews are evacuated, there would be suitable quarters to accommodate building workers and later on factory staff.

(Exh. 1410, WI-11785, Book 72, p. 17, 18)

On 18 January 1941 Ambros is told:

"The inhabitants of Auschwitz, especially the children, make a very miserable impression. Apart from the large market place, the town itself makes a very wretched impression.... The inhabitants of Auschwitz consist of 2000 Germans, 4000 Jews and 7000 Poles. The Germans are peasants. The Jews and Poles, if industry is established here, will be turned out, so that the town will then be available for the staff of the factory.... A concentration camp will be built in the immediate neighborhood of Auschwitz for the Jews and the Poles."

(Exh. 1411, WI-11784, Book 72, p. 14)

In addition, on 31 January 1941 Ambros was informed that

"The concentration camp already existing with approximately 7000 prisoners is to be expanded. Employment of prisoners for the building project possible after negotiations with the Reichsfuehrer SS."

(Exh. 1412, MI-11,785, Book 72, p. 19)

Finally, in a report of an inspection trip of 1 - 4 February on which defendant Ambros was himself present, the following is stated:

Auschwitz and the Auschwitz district

"have a population of 25,500, of whom 11,200 live in Auschwitz itself. The racial composition is very bad. All told, there are said to be only 2000 racial Germans living there. Very few of these are said to be work-able. 7000 Jews are collected together at Auschwitz and the remainder of the population is Polish."

"The eviction of the Poles and Jews is going to cause a great shortage of workers from the spring of 1942 on. It is therefore necessary to open negotiations with the Reich Leader SS as soon as possible in order to discuss the necessary measures with him. For example, the Reichsrungs-Präsident at Katowitz suggested that to begin with the best workers be retained during the eviction of the Poles in order to enable their utilization for construction work."

(Exh. 1415, MI-11,782, Book 72, p. 34)

157. After Ambros gave a detailed report on his findings to defendants Krauch and Goer, defendant Krauch then stated that

"the Reich office for Economic development would now drop the Norway project as a result of these examinations, and decided upon Auschwitz as the site for the fourth Buna plant."

(Exh. 1414, MI-11,113, Book 72, p. 28)

158. The clearest picture of the circumstances surrounding the selection of the Auschwitz site and the approval of the site by the defendants with the knowledge and in part in consideration of the existence of the supply of concentration camp labor is provided by the defendants most directly connected with the project.

159. Defendant Krauch states:

"As a matter of fact, the I. G. Farben could not be forced to construct a Buna factory. The Reich Ministry of Economics approached them with the proposal in this matter. The Executive Board

(Vorstand) of the I. G. Farben - consisting of the gentlemen Schmitz, as Chairman, Ilgner, von Schnitzler, von Knieriem, Christian Schneider, ter Meer, Ambros, Buetefisch, etc. - could agree on or refuse, the erection.....

Ambros decided on Auschwitz, and reported to the Executive Board that the presence of coal, water, lime, subterranean installations and workers had been decisive.

"After the Executive Board (Vorstand) of the I. G. Farben had decided to carry out the construction at Auschwitz, the Polish and Jewish population living there was expelled, and the Construction Department of I. G. Farben Ludwigshafen began the construction. The Executive Board of the I. G. Farben was informed that a compulsory de-population of the territory had taken place.

"The Executive Board of the I. G. Farben, especially the members of the Executive Board Schmitz, ter Meer, Ambros, and Buetefisch were informed of the employment of concentration camp inmates with the I. G. Buna plant, Auschwitz and did not protest."

(Exh. 1420, NI-4344, Book 72, pp. 65-66)

160. The defendant Buetefisch states:

"In the winter of 1940-1941 Otto Ambros, together with Krauch's office and the Vorstand (Executive Board) of I. G. Farbenindustrie, suggested Auschwitz as a suitable site because of the composition of the soil, availability of coal, water, and limestone, as well as, according to a statement of the labor office the supply of labor, for example, Poles and inmates of concentration camps. Auschwitz, favored the construction of the Buna plant and its subsequent production respectively. In 1941 a meeting of the Vorstand (Executive Board) approved the money for the construction project of the new I. G. Farben Auschwitz."

(Exh. 1416, NI-4182, Book 72, p. 36)

161. The defendant Schneider states:

"In winter 1940-1941 Otto Ambros went to Auschwitz in order to inspect the site. After his return he reported on his trip to the Technical Committee and to the Vorstand....."

"The labor available owing to the existence of the concentration camp was discussed in a meeting of the Technical Committee. It is possible that the name Hoss was mentioned in this connection; this name was often mentioned later on...."

"Neither the Technical Committee nor the Vorstand objected to the fact that the fourth Buna plant was being erected with the help of the concentration camp prisoners."

(Exh. 1418, NI-7604, Book 72, p. 42)

162. Farben's attitude toward its Auschwitz venture is expressed at the opening meeting of I. G. Auschwitz by the defendant Ambros who states:

"With the Auschwitz project, the I. G. Farben-Industrie had designed a plan for a new enterprise of giant proportions. They were determined to do everything in their power to build up a virile enterprise, whose influence would become no less important than that of the numerous plants in the west and in Central Germany. In that way the I. G. was performing in moral duty of doing its very best to make this industrial foundation a strong cornerstone for a virile, healthy Germany in the East. Dr. Ambros concluded by expressing the hope that the authorities would support the I. G. Farbenindustrie in this difficult but promising task."

(Exh. 1430, NI-11,117, Book 73, p. 5,6)

163. Not only would Auschwitz provide a foothold in the East but the whole deal was so satisfactory from the point of view of financial arrangements and future financial prospects that Farben did not avail itself of government financing as it had with other war crime projects (Mantan) but preferred to invest some 600 million marks of its own funds.

(Exh. 1421, NI-11,114, Book 72, p. 68,69)

(Exh. 1419, NI-9542, Book 72, p. 48,49,50)

(Exh. 1418, NI-7644, Book 72, p. 41)

- B. The defendants took the initiative in obtaining concentration camp inmates for the construction of the plant and kept pressing for larger numbers of healthy inmates during the course of construction.

164. At the time of the first inspection of Auschwitz, the I. G. Farben engineers, Dr. Santo and Dr. Faust, reported that the existing concentration camp will be expanded, and suggested that

"Employment of prisoners for the building project possible after negotiations with the Reichsfuehrer SS."

(Exh. 1412, NI-11785, Book 72, p. 19)

Again on 13 February 1941 the report of the Ambros inspection tour of Auschwitz notes the fact that

"the eviction of the Poles and Jews is going to cause a great shortage of workers from the Spring 1942 on. It is therefore necessary to open negotiations with the Reich leader as soon as possible."

(Exh. 1415, NI-11782, Book 72, p. 34)

165. It will be recalled that in considering the Auschwitz site, it had been noted:

- (1) "That the Jews and Poles would be turned out if industry is established."

(Exh. 1411, NI-11784, Book 72, p. 13)

(Exh. 1410, NI-11783, Book 72, p. 10)

- (2) "That those Poles who could be utilized for construction work would be retained."

(Exh. 1415, NI-11782, Book 72, p. 30)

- (3) "That the Reichsfuehrer SS Himmler should be contacted concerning the use of concentration camp inmates."

(Exh. 1412, NI-11785, Book 72, p. 18)

166. On 18 February 1941 Reichsmarshal Goering issued the following order to Reichsfuehrer SS Himmler:

"I request that the following steps be taken in order to assure the supply of laborers and the billeting of these laborers needed for the construction of the Auschwitz Buna plant in East Upper Silesia, which will commence in the beginning of April and which has to be carried out with the highest possible speed.

- "1. The Jews at Auschwitz and in the surrounding area must be quickly expelled especially for the purpose of clearing their lodgings in order to billet the construction workers of the Buna plant."

"2. Preliminary permission for the Poles in Auschwitz and the surrounding area who may be used as construction workers, to stay in their present lodgings until the termination of the construction works.

"3. Availability of the largest possible number of skilled and unskilled construction workers from the adjoining concentration camp for the construction of the buna plant.

"The total requirement for construction and fitting workers will be 8,000 to 12,000 men, on the construction lot, according to the speed of work which can be reached.

"I request you to inform me as soon as possible about the orders which you will issue jointly in this matter with the GB-Chemie. (Krauch)"

(Exh. 1417, NI-1240, Book 72, p. 39)

167. On 4 March 1941, Dr. Wirth of Krauch's office informed Ambros (copies to Ter Meer, Bartsch, and Duerrfeld) that:

"At my suggestion and acting upon instructions of the Fieldmarshal"

the Reichsfuehrer SS Himmler has issued a directive giving effect to all the points mentioned in the Goering order.

(Exh. 1422, NI-11086, Book 72, p. 71)

168. On 24 March 1941, at the first construction conference of I. G. Auschwitz, Duerrfeld was able to report that 700 prisoners have been promised from the Auschwitz concentration camp to be assigned to the construction site and also that

"a promise has been received that the head office SS Reichsfuehrung will use their influence to effect an exchange within the concentration camps of the SS with the object of transferring skilled workers from the Reich to Auschwitz."

(Exh. 1426, NI-11115, Book 72, p. 108)

On 1 April 1941 at the second construction conference of I. G. Auschwitz, it is reported that the SS camp commandant Hoess

"is very willing to support the construction management to the best of his ability."

(Exh. 1428, NI-11116, Book 72, p. 113)

169. On 7 April 1941, at the occasion of the founders meeting for the I. G. Auschwitz plant, Ambros stated that as a result of the order of the Reichsfuehrer SS

"extensive assistance from the Auschwitz concentration camp had been promised for the building period. The camp commandant sturmbannfuehrer Roess had already made arrangements for the employment of his men."

(Exh. 1430, NI-11117, Book 73, p. 5)

170. On 12 April 1941, Ambros wrote to ter Meer stating:

"Our new friendship with the SS is proving very profitable."

"On the occasion of a dinner given for us by the administrative authorities of the concentration camp, we further decided upon all measures connected with the use of the superb plant of the concentration camp for the ben. fit of the buna works."

(Exh. 1431, NI-11116, Book 73, p. 11)

171. On 24 March 1943 the minutes of the 23rd construction conference record under the heading "Employment of Prisoners"

"It was arranged with Obergruppenfuehrer Schmitt, acting as deputy for Obergruppenfuehrer Kohl, that by 1 June the number will be raised to 5,000 and later on to 6,000."

(Exh. 1503, NI-11141, Book 77, p. 32)

172. On 22 June 1943 minutes of the 24th construction conference record that

"Duerrfeld reports that the allocation of prisoners (inmates) is now working much better."

(Exh. 1505, NI-11142, Book 77, p. 46)

173. On 9 September 1943 minutes of the 25th construction conference record that

"There are 6,500 prisoners in the camp of whom 5,400 are actually employed....An increase of staff is hampered by the difficulty of finding accommodation."

(Exh. 1509, NI-11143, Book 77, p. 66)

174. On 10 December 1943 minutes of the 26th construction conference record

"It is endeavored to obtain 7,200 prisoners (inmates) for employment. Prisoners are also being employed in the branch building sites of Guebthergrube and Janina."

(Exh. 1511, NI-11144, Book 77, p. 80)

175. Thus, Farben not only took the initiative in procuring concentration camp inmates for the construction of its buna plant but was careful enough to obtain commitments, from the highest governmental and SS authorities, that its requirements for concentration camp labor would be met. After cementing its relations with the various levels of SS authorities, including the camp commandant, Farben thus utilized its "new friendship with the SS" to get ever-increasing numbers of inmates assigned to it - from 700 in 1941 to 7,000 by the end of 1943.

176. Moreover, Farben was not satisfied with just inmates. They had to be "healthy" inmates. This requirement, in the light of conditions at Auschwitz, was the death sentence for many thousands. The effect of this Farben policy is more fully developed under D, infra. That it was Farben policy that none but the fit to work could remain at I. G. Auschwitz is firmly established. (See for example: Exh. 1468, NI-12069, Book 69, p. 43; Exh. 1480, NI-11692, Book 75, p. 138; Exh. 1525, NI-11699, Book 79, pp. 25-28; Exh. 1519, NI-12390, Book 75, pp. 242-243; and Exh. 1524, NI-11697, Book 79, p. 22).

C. The conditions under which the slave laborers, particularly the concentration camp inmates, worked on the Farben construction site and in the Farben factory, were inhumane and resulted in the death of thousands of human beings.

177. I. G. Auschwitz began using inmates in April 1942, the day on which they started construction. In view of the fact that these inmates had to walk seven kilometers, both to and from the main concentration camp Auschwitz, (Exh. 1419, NI-9542, Book 72, p. 48) and thereby lost several hours out of a working day, it was decided in the middle of 1942 to erect Farben's own concentration camp, Monowitz. The erection of this camp and the appropriation of funds for that purpose was discussed in and approved by the TKA and the Vorstand after recommendations from Duerrfeld, Buetefisch, and Ambros.

(Exh. 1420, NI-4033, Book 72, p. 65;

Exh. 1419, supra, at pp. 56-57)

178. Under the arrangements between Farben and the SS, Farben was responsible for feeding, housing, and supervising concentration camp inmates used in the construction of the buna plant and for work in the

factory. The welfare of the workers, whether on the construction site, in the factory, or in Monowitz, was the responsibility of Farben.

The defendant Krauch remarks that:

"The I. G. Buna plant Auschwitz was not only responsible for the billeting of the concentration camp inmates, but also for the rations and supervision of the concentration camp inmates at the working place."

(Exh. 1420, supra, at p. 66)

Defendant Schneider says as to the responsibility:

"I was informed of the existence of the Monowitz concentration camp by Walter Ruerrfeld who told me in Leuna that apart from the concentration camp of Auschwitz which was already in existence, the I. G. themselves had to establish a concentration camp, also that the I. G. was responsible for the feeding and accommodation of the inmates."

(Exh. 1418, NI-7604, Book 72, at p. 42)

179. The proof is overwhelming that the living conditions and working conditions at I. G. Auschwitz were unendurable. Witness after witness appeared before the Tribunal and described the housing, the food, the clothing, the nature of the work, and the treatment of the inmates while at work, so clearly that it seems unnecessary for the purpose of this brief to do more than review typical portions of this testimony.

Food

180. With reference to the adequacy of the food provided by Farben, Charters, British prisoner of war states:

"They (the inmates) were all very thin and obviously suffering from malnutrition. They were more like a bag of bones than human beings. I do not know what they got apart from the noonday meal but that meal consisted of a bowl of evil-smelling soup that our boys would not eat. We gave them our soup that was thicker and better than theirs and they were so starved that they would fight over the soup we gave them. When the foremen found out that we were giving our soup to the inmates, they raised a big fuss about it and threatened us that we would forfeit our own portions."

(Exh. 1453, NI-11705, Book 75, p. 70)

Robert Seal states:

"One of the worst things was the lack of food. When inmates first arrived at the I. G. Farben factory, they looked reasonably well. About a month later there was a real difference in their appearance. In two or three months they were hardly recognizable and most of them would never live more than three or four months."

(Exh. 1466, NI-11706, Book 75, p. 85)

John Pascoe states:

"They (the inmates) were very thin and full of sores and definitely starving. It is hard to describe their condition - it was like nothing I had ever seen before. One wouldn't think human beings could be tortured so much."

(Exh. 1473, NI-11701, Book 75, p. 91)

Ernest Tauber, after repeated questions on gross-examination with respect to calories and grams, gave the following answer:

"A. I would not want to say anything about the number of calories or grams or kilograms or liters. I could merely state what all civilian workers or other people concerned saw. They saw that the number of calories, allegedly 2,500 in number, in the camp and in the plant, resulted in these people walking around half dead. I consider it completely unimportant whether the calories were 5,000 on paper, but the persons were walking around like corpses."

(Transcript, 17 Nov 47, Page 3551)

Witness Vitek states:

"As a physician I figured out, together with my friend and colleague, Dr. Franz Pollak, who did not survive Buna, that the average loss of body substance amounted to 2-4 kgs (Translator's Note: Marginal insertion inserted by Dr. Vitek - per week), assuming the hardest physical work and a caloric allowance of approximately 1100-1200 per day. According to my own opinion and that of my colleague, the normally nourished prisoner at Buna could make up for the deficiency by his own body for a period of three months. * * * Thus prisoners were condemned to burn up their own body weight while working and, provided no infections were occurring, finally die because of exhaustion."

(Exh. 1461, NI-4830, Book 75, p. 43)

Living Quarters

181. With respect to the living quarters, Coward, British prisoner of war, stated:

"There I found wooden beds, three tier high. These beds which would not have been comfortable even for one person had to accommodate two or three inmates. As a result, it was practically impossible to sleep since, if one man was in a reclining position, the others would have to sit up or lie over him. I remained in a sitting position the whole night and was dead tired."

(Exh. 1462, NI-11696, Book 75, p. 48)

Witness Tauber states:

"In Monowitz about 400 prisoners slept in a block with facilities for 162 prisoners. Three men slept in one bed."

(Exh. 1455, NI-4829, Book 75, p. 111)

Witness Feinberg states:

"We were quartered in the special concentration camp of Monowitz. Conditions were unbearable. In each room, three-tier wooden frames - set up in rows - contained approximately 300 persons. It was almost impossible to breathe."

(Exh. 1460, NI-4822, Book 75, p. 40)

Witness Herzog in cross-examination states:

"Q. How many inmates lived on the average in such barracks, so far as you know, from your own observations at various times?

A. 300 or 400 on the average."

(Transcript, 12 Nov 47, Page 3631)

Witness Spetter in cross-examination:

"Q. How many prisoners were there in such barracks as the one in which you lived, witness?

A. When I arrived in the camp in 1943 I was brought to Block 22 and there were 310 others. I have not been very often in other barracks because I was too weak to walk in the evening after my work but I have seen other barracks and I know that all of them were overcrowded."

(Transcript, 17 Nov 47, Page 3897)

Witness Ludwig Hoss states:

"The barracks at Monowitz were so overcrowded that each bed was shared by two inmates. Desks and chairs were completely unknown objects. The meals had to be taken in bed in a sitting position. It could not be avoided that bits of straw fell into the meal. The straw filling of the bed, on the other hand, was polluted."

(Exh. 1469, NI-4191, Book 75, p. 116)

Working Conditions

182. Working conditions as described by the witnesses require no further explanation. Ludwig Hoss states:

"The working conditions in the plant of I.G. Farben Auschwitz were so hard that many thousands of inmates died during the years. The consumption of humans was so staggering that in the years from 1943 to 1945 a complete turnover of inmates occurred three times."

(Exh. 1469, NI-4191, Book 75, p. 116)

Witness Vitek states:

"The prisoners were pushed in their work by the Kapos, foremen and overseers of the I.G. in an inhuman way. No mercy was shown. Thrashings, ill-treatment of the worst kind, even direct killings were the fashion. The murderous working speed was responsible for the fact that while working many prisoners suddenly stretched out flat, turned blue, gasped for breath and died like beasts." * * *

"It was no rare occurrence that detachments of 400 to 500 men brought back with them in the evening 5 to 20 corpses. The dead were brought to the place of roll-call and were counted as being present."

(Exh. 1461, supra).

Witness Ferris states:

"The biggest reason for the frequent beatings of the inmates was that they didn't work hard enough. Actually they didn't have enough food or strength to work any harder. They all tried. They were too frightened not to try but they could never keep the impossible pace set for them by the Germans and when they staggered or slowed down or collapsed they were beaten."

(Exh. 1463, NI-11693, Book 75, p. 56)

Witness Davidson states:

"The Farben civilians would never stop or attempt to prevent the SS or kapos from beating or killing the inmates. As a matter of fact, they would often help them. For example, the inmates were forced to carry 100 C wt. bags of cement. It would take 4 men to put the bag on the back of one. If the inmates couldn't carry it or couldn't go along quickly enough to satisfy the master (the Farben supervisor), they would beat the inmates with sticks or iron bars or punch them with their fists and kick them. In addition, they would tell the SS that the inmate was a bad worker and the SS would often go into them with revolvers and hit them on the head. I have seen them beaten to death with iron bars and murdered right on the premises."

(Exh. 1464, NI-11694, Book 75, p. 63)

Witness Greenham states:

"Because of their starved and weakened conditions, the inmates just didn't have the strength to do the work at the factory. I would see them struggling to carry cables and collapse under the strain. The work would have been too heavy even for a well-nourished man; it was impossible for the inmates."

(Exh. 1453, NI-11705, Book 75, p. 70).

Witness Afrino states:

"As I mentioned before, the work in my commando, being highly skilled was not too rough but in other parts of the Buna Plant they were made to work at a killing pace. For example there was a 300 ft. high chimney in the Buna factory. It was estimated that it cost the lives of 300 inmates who died of exhaustion."

(Exh. 1465, NI-7184, Book 75, p. 73).

Witness Seal states:

"I would say that about ten inmates a day would collapse from exhaustion. Some just collapsed and others probably died."

(Exh. 1466, supra).

Witness Lovell states:

"When inmates slackened or idled in their work at I.G. Farben, they were sent back to the concentration camp. They just disappeared."

(Exh. 1472, NI-11702, Book 75, p. 87).

Witness Pascoe states:

"I suppose even worse than being carted off to the gas chamber was the terrible state of exhaustion that the political prisoners were always in. I would see them collapse from sheer weakness every day. One could hardly walk through different parts of the factory without witnessing some inmate dropping to the ground."

(Exh. 1473, supra).

Witness Deles states:

"They did hard labor work which included digging ditches, carrying cables and carrying cement sacks which were heavier than their own weight. I still don't know how they were able to work at the pace they did and carry the weights they carried in the broken-down condition they were in. They worked harder than they were capable of out of the fear that if they appeared weak or unable to work, they would be exterminated. Many of them, regardless of their will, didn't have the strength to carry on and just collapsed. It was a common occurrence at night to see when we marched back to our barracks the inmates, some of whom were carried by other inmates, others being helped along, and still others being carried on wheelbarrows."

(Exh. 1471, NI-11695, Book 75, p. 119)

Witness Doyle states:

"The condition of the concentration camp inmates was deplorable. I used to see them being carried back at night, dead - from exposure, hunger or exhaustion."

(Exh. 1518, NI-12388, Book 75, p. 235)

Punishment

183. Witness Hartland explains:

"Some of my most horrible recollections of Auschwitz are seeing inmates thrashed to death or beaten unconscious and taken away in wheel-barrow."

(Exh. 1519, NI-12390, Book 75, p. 240).

Witness Davison explains:

"Farben civilians would never stop or attempt to prevent the SS or capos from beating or killing the inmates. As a matter of fact they would often help them."

(Exh. 1464, NI-11694, Book 75, p. 63)

Witness Adkin states:

"At times the inmates were hit so hard by civilians that they collapsed and had to be carried away by their comrades."

(Exh. 1475, NI-11699, Book 75, p. 99)

Witness Dulon explains:

"Once inmates were assigned to the German master they became his slaves. He had the power of life and death over these slaves assigned to him and would order them to do various tasks. A much more effective way than beating inmates to make them obey every command was to threaten them that they would be reported to the SS guards and be sent to the gas chambers."

(Exh. 1471, NI-11695, Book 75, p. 103)

184. The combination of starvation, exhaustion, punishment took a heavy toll among Farben's slaves. The witness Herzog testified that of the 60,000 inmates who went through I.G. Auschwitz

"10,000 were sent to auxiliary camps, 10,000 were left when the camp was dissolved. I cannot give any definite figure but it is probably right within 1,000, one way or another. Another 10,000 were released as these were 'ET' prisoners - labor training prisoners. 30,000 died."

(Transcript 12 Nov 47, Page 3637).

Other witnesses confirm these estimates.

(Exh. 1452, NI-7967, Book 75, p. 187)
(Exh. 1469, NI-4191, Book 75, p. 134)
(Exh. 1499, NI-12365, Book 75, p. 207).

D. The inmates who were no longer fit to work on the Farben construction project or in the Farben factory were sent to the gas chambers; and the defendants' inhumane drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work.

185. Witness after witness has established the fact that inmates who were no longer fit to work at I. G. Auschwitz were sent to the gas chambers. See, for example, Exh. 1524, NI-11697, Book 97, p. 22; Exh. 1463, NI-11693, Book 75, p. 56; Exh. 1519, NI-12390, Book 75, p. 242; Exh. 1525, NI-11698, Book 75, p. 28; Exh. 1450, NI-11692, Book 75, p. 138; Exh. 1521, NI-11706, Book 78, p. 67; Exh. 1453, NI-11705, Book 78, p. 113; Exh. 1499, NI-12365, Book 75, p. 207.

186. Farben's tremendous drive for speed in construction and production at any cost meant that thousands of inmates were reduced to the physical state where they were regarded as no longer fit for work, which meant extermination in the gas chambers. This attitude on the part of Farben of "not fit to work, not fit to live" is well described in the affidavit of the witness Bruech (Exh. 1499, supra), who made the entries in the Henschel's hospital book which was introduced during the trial.

"Every one of the camp doctors, Dr. Vetter, Dr. Fischer, Dr. Koenig and Dr. Rohde, often told us in the sickbay: 'The number of patients is too large, the I. G. will not stand for that, more people must be discharged.' The inmates were always trying not to comply with this order until it was once again pointed out to us by the SS doctors. This meant practically that the inmates were mostly released prematurely after 2-3 weeks or else they were sent to Birkenau to be gassed. In addition to this a chart or graph was made which showed the number of patients. When the number of patients of the camp inmates had exceeded 10% this was also usually followed by selections or premature mass discharges.

"It was easier to keep an inmate who was a specialist and who was therefore of importance to I. G. in the building for a longer time and to protect him from being gassed.

"The turnover of inmates in Monowitz was very high because of the difficult working conditions in the I. G. Farben plant. In this respect the direct cases of death in the camp were of the least importance.

"Most of the worn out inmates were selected in the block or directly by the gate for gassing in Birkenau.

"A prisoner who was completely exhausted and worn out was known as a Kussulman. Kussulmans were a permanent feature among the prisoners working on Buna.

"That prisoners removed to Auschwitz or Birkenau were sent to the gas chambers was shown by the fact that the same trucks which had taken the prisoners from the Monowitz hospital building came back immediately with the same things which the selected prisoners had worn."

187. The witness, Professor Weitz, who was the inmate doctor at the Monowitz hospital, made the following comments concerning Farben's concentration camp Monowitz:

"I found out very soon that Monowitz was an extermination camp. On account of the severe living conditions the prisoners were exposed to that slow process of physical and mental dissolution which terminated in most cases in the gas chamber. The final aim was unmistakable: the de-humanization and eventual extermination of the prisoners employed in the I. G. plant at Auschwitz. I heard, an SS-officer in Monowitz saying to the prisoners: You are all condemned to die, but the execution of your sentence will take a little while. Until that time SS and I. G. in common exploited the prisoners beyond what they could bear, without paying the slightest attention to the fact that the stamina of individual prisoners must be preserved somehow if the employment and training after a very short period of time of new batches of able-bodied prisoners was to be avoided."

(Exh. 1494, NI-12373, Book 75, p. 214)

188. On 10 June 1942, the defendant Ambros concluded his letter to the defendant Krauch (copies to defendants Buetefisch and Duerrfeld) as follows:

"In conclusion, let me assure you that we are doing everything to reach our goal, in spite of this encroachment. I have hardly known any building site during the past few years which has begun and carried out its work with such elan. Therefore, it is extremely important to us that you, my dear Professor, should include us--in the same way as Bruex--in one or other priority campaign, as soon as possible, so that not only these 1,300 men are returned to us one day but also that our strength is increased by the addition of further workers. Heil Hitler!

(Exh. 1443, NI-11135, Book 73, p. 99)

priority campaign, as soon as possible, so that not only these 1,300 men are returned to us one day but also that our strength is increased by the addition

189. In January 1943, the defendant Krauch addressed the following letter to the defendant Durrfeld:

"In your two years work as a commissary you deserved very well of the setting up of the Pöhlitz installation and, above all, the comparatively early start of the production is attributable to your work to a decisive extent. I wish to congratulate you on the successful conclusion of your task and express my full recognition and my thanks for your willingness to work at all times and for your performance.

"At the same time I order you hereby to continue to function as my commissary for the setting up of the whole Auschwitz plant and in this capacity to guarantee by all means the early start of mainly the most important production of this work, of which you have been notified separately. I wish to assure you of my personal support in every way in your carrying out of this task. I expect of you that you will carry out this new task successfully with the same eagerness and energy, which you manifested in your first office as a commissary."

(Exh. 1560, NI-11085, Book 77, p. 13)

190. In July 1943 Krauch addressed a letter to Himmler in which he stated in part:

"I was particularly pleased to hear that during this discussion you hinted that you may possibly aid the expansion of another synthetic factory, which I consider absolutely essential for securing rubber supplies, in a similar way as was done at Auschwitz, by making available inmates of your camps if necessary. I have also written to Minister Speer to this effect and would be grateful if you would continue sponsoring and aiding us in this matter."

(Exh. 1536, NI-10040, Book 79, p. 53)

E. The defendants are criminally responsible for these activities pursuant to the provisions of Article II of Control Council Law No. 10.

191. The activities described above constitute Crimes against Humanity regardless of the nationality of the inmates (Sec. I(c) of Article II of Control Council Law No. 10) and War Crimes, except where such atrocities were committed on German nationals (Sec. I(b) of Article II). The defendants committed these crimes in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, including Farben, which were connected with, the commission of said crimes.

192. The responsibility of the Vorstand for what happened in I.G. Auschwitz is clear. As we have seen (page supra), Ambros, working with the approval of Frauch (the top man in the government for labor allocation in the chemical industry as well as the Chairman of the Farben Aufsichtsrat and the Vorstand), selected the site of I.G. Auschwitz in contemplation of the use of the inmates of the Auschwitz concentration camp for the construction of the Farben buna plant. During the construction funds totaling 600,000,000 RM were approved again and again by the Technical Committee pursuant to the authorization of the Vorstand.

(Exh. 1416, NI-4182, Book 72, p. 36)

Most of the Vorstand members were present at the numerous TEA meetings at which funds were allocated. The meeting of October, 1942, for example, was attended by Schmitz, Schneider, Baetefisch, Ter Meer, Ambros, Kirster, Lautenschlaeger, Jaehne, Hoerlein, Kuehne, Baergin, Gajewski, von Schnitzler, Brueggemann, and Haefliger.

(Exh. 1498, NI-10943, Book 77, pp. 3-4)

In the words of the defendant Ambros:

"The I.G. financed the I.G. Auschwitz because it did not wish to let go the hold on the buna process."

(Exh. 1419, NI-9542, Book 75, p. 2)

193. In view of the fact that the Vorstand selected the Auschwitz site in contemplation of the use of inmates and appropriated large sums of money during its construction with the knowledge that inmates were being used in the construction, it seems almost unnecessary in view of the evidence reviewed up to date in Part III of this brief to cite any further facts to establish the participation and knowledge on the part of the Vorstand members in connection with these activities. It may be helpful, however, to call attention to certain specific points at this time.

194. The defendants Schmitz, Ter Meer, Ambros, Buetefisch, and Schneider were in especially close contact with the situation at Auschwitz and received copies of the minutes of the building conferences.

(Exh. 1419, NI-9542, Book 75, p. 16)
(Exh. 1418, NI-7604, Book 72, p. 42)

In addition to the defendant Duerrfeld who lived at Auschwitz, Buetefisch, Ambros, Ter Meer, Krouch, Schneider, Lautenschlaeger, and Jaehne (whose son was employed at Auschwitz) visited Auschwitz on various occasions (see pp. 52-53, supra). The fact that the defendants Krouch, Schmitz, Ter Meer, Ambros, Buetefisch, and Schneider played an especially important role in connection with I.G. Auschwitz does not in any way diminish the participation by all defendants who were members of the Vorstand in this project and does not take away from the fact that all of them must have known what was happening there.

195. As we have reviewed the evidence in connection with Part III of this brief, we have seen that these defendants knew that human beings were being exterminated by the thousands in Auschwitz and other concentration camps; that they either knew that the Cyclon B gas which they were manufacturing and supplying was being used to carry out this program of extermination or as a minimum "deliberately closed their eyes" to this fact; that they furnished their

pharmaceutical products to be tested through forced experiments and artificial infections on these helpless victims; that they chose a construction site for one of their largest plants in contemplation of the use of the labor of these inmates; that they took the initiative in pressing for more and more inmates to speed up construction, demanding at the same time that they be healthy; that they worked then under conditions which were so inhumane that thousands of them died; that the inmates used on the construction project and in their factory were sent to the gas chambers when they were no longer fit to work; and that the drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work. We have even seen that Farben supplied some of the methanol which was used to burn the corpses

(Exh. 1517, NI-12384, Book 75, p.

and that Farben took its share of the old clothes of the victims.

(Exh. 1829, NI-1257, Book 79, p. 67)
(Exh. 1484, NI-4827, Book 75, p. 160)

196. These things seem almost unbelievable. The attitude which can permit things such as this to happen is perhaps best described in a letter written on 30 July 1942 by a Farben employee at I.G. Auschwitz to a Farben director at I.G. Frankfurt:

"You can imagine that the population is not going to behave in a friendly or even correct manner towards the Reich Germans, especially towards us I.G. people. The only thing that keeps these filthy people from becoming rebellious is the fact that armed power (the concentration camp) is in the background. The evil glances which are occasionally cast at us are not punishable. Apart from these facts, however, we are quite happy here. * * *

"With a staff of such a size, you can well imagine that the number of accommodation barracks is constantly increasing and that a large city of shacks has developed. In addition to that, there is the circumstance that some 1,000 foreign workers see to it that our food supply does not deteriorate. Thus we

find Italians, Frenchmen, Croats, Belgians, Poles, and, as the "closest collaborators" the so-called criminal prisoners of all shades. That the Jewish race is playing a special part here, you can well imagine. The diet and treatment of this sort of people is in accordance with our aim. Evidently, an increase in weight is hardly ever recorded for them. That bullets start whizzing at the slightest attempt of a 'change of air' is also certain as well as the fact that many have already disappeared as a result of a 'sunstroke'."

(Exh. 1497, NI-838, Book 77, p. 1)

VI. Farben in Fuerstengrube

197. Shortly after the occupation of Poland, Farben planned industrial exploitation of this newly acquired territory and as early as July, 1940, Farben's mining administration had already reported to Bustefisch and Ambros on the coal fields in Upper Silesia.

(Exh. 1556, NI-12010, Book 81, p. 53)

(Exh. 1528, NI-12012, Book 80, pp. 1-2)

By 8 February 1941, Farben had succeeded in purchasing a majority interest in the ownership of these mines and in gaining complete control of the operations, management, and disposition of the products. Under the contract establishing the Fuerstengrube firm, Farben assumed the complete risk of loss and even guaranteed a fixed 4% profit to the minority holder, for twenty-three years. As the entrepreneur and the appointer of the chairman of the Aufsichtsrat and of the majority of Aufsichtsrat members, I. G. Farben possessed complete control of the new firm.

(Exh. 1556, NI-12010, Book 81, p. 54)

(Exh. 1529, NI-12011, Book 80, p. 6)

198. Representing the Farben Vorstand in the management of Fuerstengrube was the defendant Bustefisch. It was he who concluded negotiations leading to the foundation of Fuerstengrube and who from the outset was chairman of its Aufsichtsrat. He received current reports from the business manager and made decisions on matters of importance.

(Exh. 1529, NI-12011, Book 80, p. 4)

(Exh. 1556, NI-12010, Book 81, p. 56)

199. The business manager of Fuerstengrube, Falkenhahn, states that:

"The responsibility for the initiative and execution of matters in the interest of I. G. Farben within Fuerstengrube rested with the chairman of the Aufsichtsrat of Fuerstengrube, Dr. Bustefisch, right from the time that Fuerstengrube was founded. The gentlemen from Auschwitz only derived their right to take an active part in the construction of Fuerstengrube, Janina, and the new plants from his authority, such as the calling of conferences on construction, the recommendation of the allocation of quarters, and even the procurement of labor. Thus, these men acted as representatives of Dr. Bustefisch. It mainly concerned Dr. Duerrfeld, Dr. Bruns, Dr. Faust, Dr. Sabelberg, and Dr. Döming."

(Exh. 1556, supra)

200. On 7 April 1941 at the founders meeting of I. G. Auschwitz,
it is noted that:

"Dr. Bueteisch (I. G. Farbenindustrie A.G.) has founded a new company together with the manager of the Fuerstlich Pless-schen Bergwerksges for the purpose of securing from Fuerstengrube Mine, the coal supplies for the Auschwitz Plant."

(Exh. 1430, NI-11117, Book 80, p. 8)

Not only were the defendants Bueteisch and Duerrfeld directly involved in the operation of the Fuerstengrube mines, including the use of concentration camp labor, but the defendant Ambros was a member of the Aufsichtsrat of Fuerstengrube. Fuerstengrube and its problems were discussed in the Vorstand, which received written reports on Fuerstengrube as, for example, the balance audit for 1943 showing statistics on the employment of Jews and concentration camp inmates at the mines.

(Exh. 1547, NI-12015, Book 81, p. 22;
Exh. 1322, NI-8266, Book 80, p. 36;
Exh. 1433, NI-8078, Book 80, p. 16;
Exh. 1551, NI-8268, Book 81, p. 43)

Not only did Farben have the right to control the operations and management of Fuerstengrube, but the evidence is clear that Farben exercised that right and assumed the responsibility of such significant management problems as the housing of the workers.

"Camp Waldeck Fuerstengrube was handed over to I. G. Farben, Auschwitz, on June 27, 1943."

(Exh. 1740, NI-11057, Book 81, pp. 60-61;
Exh. 1537, NI-10886, Book 81, p. 4)

the feeding of workers.

(Exh. 1741, NI-10806, Book 81, p. 63)

and even the procuring of concentration camp inmates in order to step up production in the mines.

(Exh. 1556, NI-12010, Book 81, p. 57;
Exh. 1544, NI-12019, Book 81, p. 16)

Also, from 1 January 1943, the Janina mine was administered by Fuerstengrube GmbH and thereafter there was no difference in responsibility for the administration of Fuerstengrube and Janina mines.

(Exh. 1556, NI-12010, Book 81, pp. 55, 58;
Exh. 1322, NI-8266, Book 80, p. 36;
Exh. 1533, NI-8265, Book 80, p. 42;
Exh. 1544, NI-12019, Book 81, p. 16)

201. At Furstengrube, as elsewhere, Farben took the initiative in maintaining slavery of foreign workers. When foreign workers recruited and brought to Farben under armed guard left without permission, the Farben management notified the police and requested that those unwilling foreign workers be brought back even though some of them were children no more than 15 years of age.

(Exh. 1535, NI-10843, Book 81, p. 2;
Exh. 1536, NI-12016, Book 81, p. 3)

202. Farben advocated severe punishment of non-co-operative prisoners of war. On 6 July 1943, Farben management wrote to the office of the Guard Detachment of the camp for British PWs complaining that certain listed PWs either had refused to work or stopped working before the end of the shift, one of them remarking that he would not work for Germany. Kroeger, writing for the management, states:

"I request that the prisoners of war listed above be punished ~~most~~ severely to prevent the recurrence of such incident in the future."

(Exh. 1538, NI-10512, Book 81, p. 6)

On 16 July 1943, Duellberg, the 'Frokarist' and technical manager of Furstengrube, wrote to the German Home Guard Battalion also complaining that the British PWs failed to obey the orders of our 'Petreibefuehrer'. Duellberg suggests:

"It would seem advisable to authorize the guard detachment or the auxiliary guards to take drastic steps energetically and mercilessly if necessary."

(Exh. 1539, NI-10519, Book 81, p. 7)

On 16 August 1943, Kroeger, again writing for the management, informs the camp command of the British PW camp that there were further complaints against the British PWs. The letter adds:

"We shall as a matter of course reduce the day's wage of these prisoners of war and request you to punish them by appropriately cutting down their food allotment."

(Exh. 1540, NI-10529, Book 81, p. 10)

203. Farben advocated the further crowding of living quarters of prisoners of war regardless of the health hazards involved and despite the opposition of the Wehrmacht.

(Exh. 1541, NI-10516, Book 81, p. 21;
Exh. 1542, NI-10534, Book 81, p. 12)

On the 11th of August 1943, the Wehrmacht Major and Battalion Commander wrote to the Farben mine administration (Fuerstengrube) refusing, despite the urging of Farben, to increase the number of prisoners of war in the barracks. The Wehrmacht Battalion Commander then revealed that overcrowding was only one of the dangers against which he had to protect the prisoners of war from the Farben administration; the other is disclosed in the following paragraph which states:

"Shipments of prisoners of war were held back since the rate of sickness had considerably increased due to the failure to provide waterproof shoes. According to reports received by me, this matter has now been taken care of by you through issuing of rubber boots."

(Exh. 1543, NI-10525, Book 81, p. 14)

Having been turned down by the German Wehrmacht on the basis of insanitary over-crowding, Farben after substituting concentration camp inmates for PWs agreed with the SS that it would be possible

"to accommodate 300 concentration camp inmates in the prison camp where at the moment 150 British are housed."

The inspection tour at which the above estimate was made was conducted by the delegate for the SS Obersturmbannfuhrer Hoese and delegate for Fuerstengrube Dr. Duerrfeld and Dr. Duellberg.

(Exh. 1544, NI-12019, Book 81, p. 16)

Within a few days after Duerrfeld's inspection tour, much to the amazement of the authorities, the British PWs were all removed and in their place came concentration camp inmates from Auschwitz.

(Exh. 1545, NI-10522, Book 81, p. 18;
Exh. 1546, NI-10531, Book 81, p. 21)

204. At no time prior to the Farben control of Fuerstengrube and Janina were there any concentration camp inmates used in the operation of those mines. (Exh. 1556, NI-12010, Book 81.) In a report from the Central Bookkeeping Department of Farben to the defendant Schmitz, the comparative labor components for Fuerstengrube for the year 1942 and 1943 are shown. Among the workers listed in the 1942 figure are 1,026 "foreign labor and

Jews". Under the heading "Foreign Labor and Concentration Camp Inmates" there is a blank. In 1943, after Farben took over the control, the column headed "Foreign Labor and Jews" is blank, but the column headed "Foreign Labor and Concentration Camp Inmates" became 1,007. When Farben came in the SS took over and the relatively free Jews disappeared. (Exh. 1547, NI-12015, Book 81, p. 32a,b; Exh. 1544, NI-12019, Book 81, p. 16; Testimony of Falkenheim, Tr. p. 4368, 4369.) In December 1943 the minutes of the I.G. Auschwitz Construction Conference mentioning the corps of 7,200 concentration camp inmates states: "Inmates are also employed at the plants Guenthegrube and Janina." (Exh. 1511, NI-11144, Book 81, p. 39.) Once the concentration camp inmates were brought in the inhumane and unendurable treatment which was the pattern at Auschwitz became the pattern at Puertengrube and Janina. (Exh. 1548, NI-11654, Book 81, p. 24; Exh. 1510, NI-11879, Book 81, p. 33; Exh. 1742, NI-12385, Book 81.)

205. As the German Wehrmacht protected the British PW's against Farben by withholding them until boots were furnished, so in the case of the concentration camp inmates, it was the SS who protected them against Farben. The SS, who were not even permitted in the mines where the inmates worked, informed Duerrfeld (whose miners, foremen, supervisors, etc. worked with the inmates in the mine) that "the inmates have a high rate of colds, pneumonia, and similar diseases" for lack of rubber boots in the heavily saturated coal strips. (Exh. 1552, NI-10535, Book 81, p. 47, 48.)

206. Farben's employees were directly responsible for beating concentration camp inmates. The SS intervened on behalf of the inmates. At a hearing given by the SS to one of the Farben miners accused of beating inmates, the miner states:

"It is my job as a mine foreman to supervise these prisoners (inmates):

"It is true that I have beaten prisoners underground working - - - This incident caused me to beat the prisoner who operated the wrench up above with a rubber hose I carried with me."

"If I am asked whether I have been instructed how to deal with the prisoners, particularly whether I know that it is prohibited to beat prisoners, I can only say that I have not been instructed.

"On the contrary I would like to mention that the supervisors of the mines Robel, Fojak, Knitech, and Gurny had told me that the Chief Kape could not always be

there to watch the prisoners and that I myself could beat one or the other of the prisoners when necessary."

(Exh. 1553, NI-12018, Book 81, p. 49)

307. In a letter from the SS to the plant manager of Fuerstengrube, the SS states:

"In spite of repeated verbal and written warnings I am still receiving complaints that the mine foreman, Golets, is still beating inmates as before.

"Please warn Golets for the last time and call his attention to the fact that if I get any further complaints about him I shall definitely report him and ask that he be punished."

(Exh. 1555, NI-12017, Book 81, p. 52)

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(Preliminary Memorandum Brief, Part IV,
"Membership in the SS")

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I. The Law

A. Control Council Law No. 10.

1. Article II of Control Council Law No. 10 declares:

(1) "Each of the following acts is recognized as a crime:

....

(d) Membership in categories of a criminal group or organization declared criminal by the International Military Tribunal."

B. Categories of membership in the SS declared criminal by the I.M.T.

2. The categories of SS membership declared to be criminal by the I.M.T. are found in the judgment of the I.M.T. in the discussion of the "SS" (beginning at p. 268, more particularly at p. 273).

The I.M.T. did not include in the criminal category "the so-called SS Reiter Units." It also excluded "those who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such crimes", as well as all "persons who had ceased to belong to the organizations enumerated in the preceding paragraph prior to 1 September 1939."

3. The I.M.T. included "the members of any of the different police forces who were members of the SS" (p. 273). Under the special section of the judgment on the "Gestapo and the SD" (beginning at p. 262), the I.M.T. included within criminal membership the various offices of RSHA "and all other members of the SD, including all local representatives and agents, honorary or otherwise, whether they were technically members of the SS or not, but not including honorary informers who were not members of the SS, and members of the Abwehr who were transferred to the SD" (pp. 267-8).

THE CHARGE HEREIN

4. In Count IV, paragraph 145 of the Indictment, the prosecution has charged defendants SCHNEIDER, BUSTEFISCH, and von der HEYDE with criminal membership in the SS under paragraph 1 (d) of Article II,

Control Council Law No. 10. The proof (outlined below) adequately sustains this charge. Each defendant falls within the categories declared criminal and each falls without any of the groups expressly excluded from criminality.

II. PROOF OF MEMBERSHIP IN THE CRIMINAL ORGANIZATION

A. SCHNEIDER

5. The defendant SCHNEIDER was a member of the SS from 1933 to 1945.

(Exh. 317, NI-9753, D.B. 11, E.p. 186, G.p. 212).

The defendant SCHNEIDER attempts to qualify his SS membership by stating that he was "a supporting member". The I.M.T. made no such distinction and "supporting members" are clearly not excluded from the categories of membership declared criminal by the I.M.T.

B. VON DER HEYDE

6. A questionnaire which the defendant von der HEYDE himself filled in for the Race and Settlement Office of the SS shows that von der HEYDE was a member of the SS "since 1933."

(Exh. 1598, NI-6712B, D.B. 91, E.p. 48, G.p. 52).

This questionnaire shows (in his own handwriting) that his SS unit was the "SD Main Office" (SD Hauptamt), one of the offices later consolidated in the infamous RSHA, which was formed on 27 September 1939 (I.M.T. Judgment, pp. 262-3). An SS personnel card indicates that von der HEYDE was promoted to the rank of Untersturmfuehrer (SS Second Lieutenant) on 30 January 1938, to Obersturmfuehrer (SS First Lieutenant) on 10 September 1939 (just after the war broke out), and to Hauptsturmfuehrer (SS Captain) on 30 January 1941. This card also shows him as a leader (Fuehrer) in the SD.

(Exh. 1597, NI-6712A, D.B. 91, E.p. 47, G.p. 51).

In his certificate on his personal positions

(Exh. 294, NI-9268, D.B. 11, E.p. 71, G.p. 83).

von der HEYDE states that he was "member of the Reiter (Cavalry) SS" from 1934-1945. This is apparently an effort to fall within the only type of SS unit expressly excluded from a criminal category by the I.M.T. Judgment (supra, par. 2). It is interesting to note that both von der HEYDE's SS personnel form (Exh. 1597) and his own 1939 questionnaire to the SS omits any such qualification. On the contrary these contemporaneous documents indicate that his "SS unit" was the SD Main Office (Exh. 1598).

C. BUETEFISCH

7. BUETEFISCH became a member of the SS with the rank of Hauptsturmfuehrer (SS Captain) in 1939. He was promoted to Sturmbannfuehrer (SS Major) on 30 January 1941, and to Obersturmbannfuehrer (SS Lt. Colonel) on 30 April 1943. Before the war he was assigned to the SS Staff Upper Elbe. After the war (beginning 1 May 1940) he was assigned to the Staff of the SS Main Office.

(Exh. 1579, NI-5710E, D.B. 91, E.p. 5, G.p. 5. See also BUETEFISCH's certificate, Exh. 285, NI-9366, D.B. 11, E.p. 21, G.p. 22).

D. CONCLUSIONS ON PROOF OF MEMBERSHIP

8. The proof above establishes that after 1 September 1939, each of the three defendants charged under Count IV were SS members. All became members before any members "were drafted into membership by the State in such a way as to give them no choice in the matter" (I.M.T. Judgment, p. 273). Persons were not drafted into the SS by the State until fairly late in the war (I.M.T. Judgment, p. 270). The only other question, then, is whether these defendants "remained members of the organization with knowledge that it was being used for the commission of acts declared criminal by Article VI of the Charter" and the I.M.T. (I.M.T. Judgment, p. 273). At this point it seems totally unnecessary to anticipate any contention that intelligent

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Germans, and in particular persons who were SS members for a long period of years, did not know that the SS was being used for the commission of acts amounting to war crimes and crimes against humanity, particularly in view of the decisions of the I.M.T. and numerous Military Tribunals since the Judgment of the I.M.T. (See particularly the judgments in Cases No. 3 and 4). It may be helpful, however, to outline briefly some of the major connections (beyond SS membership) of these three defendants to persons, agencies, and organizations engaged in criminal activities or to criminal conduct itself.

III. THE HIMMLER (OR KEPPLER) CIRCLE OF FRIENDS

9. Wilhelm Keppler, at first economic adviser to Hitler and later a State Secretary in the Foreign Office, organized a circle of leading industrialists before the Nazis came to power. It was originally intended to assist Hitler by giving advice concerning economic matters. But when Keppler became less important and Goering more important as an immediate economic adviser to Hitler, the circle was taken under the immediate protection of Himmler, the Reichsfuehrer (Reich Leader) SS. Its name was changed from the "Keppler Circle of Friends" to the "Circle of Friends of the Reichsfuehrer SS" (Himmler) or just the "Himmler Circle of Friends".

(Exh. 1599, NI-12456, D.B. 91, E.p. 49, G.p. 54).

During the initial period, so far as we know, Farben had no direct representative in the Circle of Friends. During this time Farben's contacts with Goering, whose star was rising in the field of Nazi economy, was very close (see Part I of this brief). But in any event just before the outbreak of war the defendant BUNTFISCH became a member of the Circle.

(Exh. 285, NI-9366, D.B. 11, E.p. 21, G.p. 23).

About two years after BUNTFISCH joined the Himmler Circle, the defendant ALBRECHT wrote to MEER that Farben's new friendship with the SS was proving profitable.

(Exh. 1431, NI-11118, D.B. 73, E.p. 11, G.p. 23).

10. The Cologne banker von Schroeder, who was instrumental in the early meetings which helped bring Hitler to power (Judgment of the I.M.T., p. 177), acted as the treasurer of the Circle. Beginning at least as early as 1942, Farben transmitted RM 100,000 annually to Himmler through Schroeder for Himmler's "special tasks."

(Exh. 1585, NI-12400, D.B. 91, E.p. 23, G.p. 26)

(Exh. 1592, EC-453, D.B. 91, E.p. 35, G.p. 38)

(Exh. 1595, NI-3807, D.B. 91, E.p. 41, G.p. 45).

The Reichsfuehrer's gratefulness to the members of the Circle is shown by his letter of 18 May 1942 to von Schroeder:

"Please inform all members of the Circle of Friends how grateful I am to them for again contributing so generously over a million RM for my purpose

(Exh. 1586, NI-6045-F, D.B. 91, E.p. 24, G.p. 27).

Acknowledgments of Farben's contribution to Himmler were made to both the defendants BUETELISCH and SCHMITZ. SCHMITZ ordered the payments by Farben. The transaction involved the passing of credits through the Central Finance Administration with notice to the Office of the Central Committee of the Vorstand.

(Exh. 1594, NI-2856, D.B. 91, E.p. 40, G.p. 44)

(Exh. 1595, NI-3807, D.B. 91, E.p. 41, G.p. 45)

(Exh. 1585, NI-12400, D.B. 91, E.p. 23, G.p. 26)

These contributions constitute substantial financial assistance to the leader of a criminal organization during the height of its criminal activities (See Judgments in I.M.T. and "Pohl" cases).

11. Just after Himmler succeeded Frick as Reich Minister of the Interior in 1943, von Schroeder wrote to Himmler on behalf of the Circle of Friends, stating:

"A strong hand is now very necessary in the operation of the Ministry of the Interior and it is universally welcomed especially by your friends that it was you who was chosen for this task by the Fuehrer. Please be assured that we will always do everything in our power at all times to assist you in every possible way."

(Exh. 1591, EC-454, D.B. 91, E.p. 34, G.p. 37).

The nature of some of the matters brought to the attention of members of the Circle is shown by the laudatory address of dedication which

Kranefuss, Adjutant of the Circle, proposed after the assassination of Obergruppenfuhrer (SS General) Heydrich, Chief of the RSHA and deputy Reich "Protector" of Bohemia and Moravia.

(Exh. 1587, NI-8108, D.B. 91, E.p. 26, G.p. 29).

The assassination of Heydrich and the following massacre of Lidice by the SS were public knowledge in Germany.

(See I.M.T. Judgment, p. 270);
(Exh. 1588, NI-10149, D.B. 91, E.p. 31, G.p. 34);
(Exh. 1589, NI-12398, D.B. 91, E.p. 32, G.p. 35);
(Exh. 1590, NI-12399, D.B. 91, E.p. 33, G.p. 36).

In 1943, members of the Circle, including BUNTFISCH, visited Himmler's Headquarters in East Prussia.

(Exh. 1593, NI-12401, D.B. 91, E.p. 37, G.p. 41).

The subjects of Himmler's address to the Circle, found in his notes, is noteworthy:

- I. Security Situation, Foreign Workers
- II. Task as Minister of Interior
- III. Defeatism
- IV. Front in Russia"

(Exh. 1634, NO-5637, D.B. 91, Supplemental Document).

IV. RELATION OF THE SS TO THE SD, THE GESTAPO AND THE NAZI SECURITY SYSTEM GENERALLY

12. The Tribunal is requested to take judicial notice of the Judgment of the I.M.T. with respect to the close relation between the various branches of the Nazi "security system" which made up the formal part of the so-called "police state" (I.M.T. Judgment, pp. 262-264). The major characteristic of the development of the police state was the consolidation, more and more, of the entire police system under Himmler and the SS. The plant protection system was also involved. Instructions to the Counter Intelligence Agents (taken from the files of Farben's Gendorf Plant) state the following as early as 1939:

"Within the sphere of the Reich Leader of the SS and Chief of the German Police at the Reich Ministry of the Interior, the appointment of the Security Officer and his Deputy, is made in writing by the Chief of the Security Police (Sicherheitspolizei) and the SD. The appointment may be refused only in case of present cogent reasons".

(Exh. 163, NI-2883, D.B. 6, E.p. 116, G.p. 184).

It is no matter of chance that two of the defendants charged under Count IV held important positions in the Counter Intelligence System of Farben. The defendant SCHNEIDER was Chief Security Officer for all I.G. Farben.

(Exh. 317, NI-9753, D.B. 11, E.p. 186, G.p. 212).

The defendant Von der HEYDE was SCHNEIDER's deputy in Counter Intelligence for the entire commercial field of I.G. Farben, as well as Head of the Counter Intelligence of I.G. Berlin NW.7.

(Exh. 294, NI-9268, D.B. 11, E.p. 71, G.p. 83).

In these capacities they were under the jurisdiction of and registered with the RSHA.

(Exh. 163, NI-2883, D.B. 6, E.p. 116, G.p. 184)

(Exh. 294, NI-9268, D.B. 11, E.p. 71, G.p. 83)

The "secrets" with which these defendants were charged, and the contacts which the maintaining of these secrets involved, bear mention. It is not clear that there was any direct relation between the nomination of the defendant SCHNEIDER to be Chief Counter Intelligence Agent and his appointment as main plant leader for purposes of labor relations and social welfare. But the two positions were held by SCHNEIDER concurrently.

V. RELATION OF THE SS AND THE NAZI SECURITY SYSTEM TO THE
SLAVE LABOR PROGRAM, THE CONCENTRATION CAMPS, AND THE
EMPLOYMENT OF CONCENTRATION CAMP INMATES.

13. "From 1934 onwards the SS was responsible for the guarding and administration of the concentration camps" (I.M.T. Judgment, p. 270). "Offices of the security police and SD were involved in the slave labor program Gestapo offices inside of Germany were given surveillance over slave laborers and responsibility for apprehending those who were absent from their place of work. The Gestapo also had charge of the so-called work training camps. Although both German and foreign workers could be committed to these camps, they played a significant role in forcing foreign labor to work for the German war effort". (I.M.T. Judgment, pp. 266-7). The defendant SCHNEIDER

was Main Plant Leader (Hauptbetriebsfuhrer) with general responsibility for the "welfare" of all Farben's labor forces. In this position he had broad knowledge of the activities of the SS and the Gestapo in the criminal slave labor program. As the defendant SCHNEIDER has stated:

"If inmates on the I.G. building site at Auschwitz did not work sufficiently, a report was made to the SS."

(Exh. 1418, NI-7604, D.B. 72, E.p. 30, G.p. 40).

Both SCHNEIDER and BUNTFISCH knew of the criminal evacuation of the Polish population around Auschwitz "which was carried out by the SS". SCHNEIDER knew that the SS was carrying out gassing of human beings at Auschwitz.

(Exh. 1418, NI-7604, D.B. 72, E.p. 41, G.p. 69).

It is also clear that the Counter Intelligence Agents (or Security Officers) had responsibilities in connection with maintaining the restrictions around the slave laborers.

(Exh. 163, NI-2383, D.B. 6, E.p. 116, G.p. 184)

(Exh. 1418, NI-7604, D.B. 72, E.p. 41, G.p. 69)

Reference is also made to Part III of this memorandum brief, "Slavery and Mass Murder", concerning the activities of the SS, the Gestapo, the SD, and the police, with respect to the criminal activities surrounding the slave labor program, the concentration camps, and the employment of concentration camp inmates. The Tribunal is also requested to take judicial notice of the findings in the Judgment in Case No. IV, the Pohl Case, on the slave labor and concentration camp administration.

END

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF

OF THE PROSECUTION

PART V

COMMON PLAN or CONSPIRACY

11 December 1947



COUNT V

COMMON PLAN or CONSPIRACY

Introduction

Count 5 of the indictment (par.146) charges that:

"All the defendants, acting through the instrumentality of FARREN and otherwise, with diverse other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators and accomplices in the formulation and execution of a common plan or conspiracy to commit, or which involved the commission of Crimes against Peace (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined by Control Council Law #10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan or conspiracy."

It is alleged (par.147) that the acts and conduct set forth in Counts 1, 2 and 3 of the indictment formed a part of said Common Plan or Conspiracy and the allegations made in said Counts are incorporated in Count 5. It is the position of the prosecution that the evidence we have reviewed in Parts I, II and III of this brief establishes the participation by the defendants in the common plan or conspiracy.

It should be made clear at the outset that the prosecution is charging only a conspiracy to commit crimes against peace. Control Council Law #10 and Ordinance #7 specifically make a common plan or conspiracy to commit crimes against peace a separate offense. Section 1(a) of Article 2 of the Control Council Law provides:

"Each of the following acts is recognized as a crime:

(a) Crimes against Peace. Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing." (Underlining supplied)

Although the matters charged in Counts 2 and 3, relating to spoliation and slave labor, are recognized in Article 2 of the Control Council Law as being war crimes and crimes against humanity, they also constitute, as we have previously indicated, an integral part of crimes against peace to the extent that they were in furtherance of the preparation for or waging of aggressive wars and invasions. Therefore, the acts and conduct proved under Counts 2 and 3 are part of the proof to

be considered in connection with determining whether or not the total acts and conduct of these defendants constitute participation in a common plan or conspiracy to commit crimes against peace.

In short, there is no charge of a separate substantive offense involving a conspiracy to commit war crimes or crimes against humanity as such, but the conspiracy charge does reach to acts which are an integral part of crimes against peace whether or not these acts are war crimes or crimes against humanity. In this connection it should be noted that, as indicated in numerous decisions relating to conspiracies (see for instance *American Tobacco Company vs. United States* cited at page 13 of Part I of the brief), it is not necessary that every act which forms a part of a conspiracy be in and of itself unlawful. If each act forms part of the total sum of acts which are relied upon to prove the conspiracy, this is sufficient.

Relationship Between Count I and Count V

The indictment was framed on the theory that the charges in Count I and the charges in the conspiracy count are separate and distinct crimes, that one is not merged in the other. The theory of the prosecution with respect to this matter is best indicated in the decision of the U.S. Supreme Court in the case of *Pinkerton against the United States*, 328 U.S. 640 (1946).

In that case the defendants were indicted for violation of the Internal Revenue Code and the indictment contained ten "substantive" counts and one conspiracy count. Only a single conspiracy was charged and proved and some of the overt acts charged in the conspiracy count were the same acts charged in the "substantive" counts and the trial court found that each of the "substantive" offenses were committed pursuant to the conspiracy. Petitioners contended in the U.S. Supreme Court that the "substantive" counts became merged in the conspiracy count and that only a single sentence not exceeding the maximum two year penalty provided by the conspiracy statutes could be imposed. The court said (page 643):

"Or to state the matter differently, they contend that each of the substantive counts became a separate conspiracy count but, since only a single conspiracy was charged and proved, only a single sentence for conspiracy could be imposed. They rely

"In the Braveman case the indictment charged no substantive offense. Each of the several counts charged a conspiracy to violate a different statute. But only one conspiracy was proved. We held that a single conspiracy, charged under the general conspiracy statute, however diverse its objects may be, violates but a single statute and no penalty greater than the maximum provided for one conspiracy may be imposed. That case is not opposite here. For the offenses charged and proved were not only a conspiracy but substantive offenses as well."

"Nor can we accept the proposition that the substantive offenses were merged in the conspiracy. There are, of course, instances where a conspiracy charge may not be added to the substantive charge. One is where the agreement of two persons is necessary for the completion of the substantive crime and there is no ingredient in the conspiracy which is not present in the completed crime. See U.S. vs Katz, 271 U.S. 354; Gebardi vs U.S., 207 U.S. 112 * * * But these are exceptions of a limited character. The common law rule that the substantive offense, if a felony, was merged in the conspiracy, has little vitality in this country. It has been long and consistently recognized by the Court that the commission of the substantive offense and a conspiracy to commit it are separate and distinct offenses."

The Nature of the Conspiracy:

Section 1(a) of Article 2 of Control Council Law #10, proscribes as a crime against peace "participation in a common plan or conspiracy for the accomplishment of any of the foregoing." This is obviously not limited to participation in the Nazi conspiracy to commit crimes against peace determined by the International Military Tribunal to have existed, but includes participation in any common plan or conspiracy to prepare Germany for wars of aggression or invasions of other countries or to wage such aggressions or invasions. It covers participation in any common plan or conspiracy to further the military power of Germany, knowing that such military power will be used or is being used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property or their personal freedoms.

It is the position of the prosecution that the evidence which has been introduced in this case establishes both participation by these defendants in the Nazi conspiracy, and participation in what might be called the Farben conspiracy, designed to further the Nazi conspiracy.

A. Participation in the Farben Conspiracy.

The nature of this conspiracy is that these defendants over a period of years, planned and conspired among themselves and with other

persons to carry on the activities described in Parts I, II and III of this brief; said conspiracy being also in furtherance of the Nazi conspiracy to commit crimes against peace found by the I.M.T.

These activities were not isolated acts of individual defendants. On the contrary, such activities were part of a plan and program which had its roots and took shape at meetings and conferences of the defendants over a period of years — in the Vorstand; in the Technical Committee; in the Commercial Committee; in other committees and agencies of Farben; in the exchange of correspondence, memoranda and reports; and through less formal meetings of the minds of the defendants.

B. Participation in the Nazi Conspiracy.

The activities of these defendants described in Parts I, II and III of this brief also made them parties to the Nazi plan or conspiracy to commit Crimes Against Peace found by the I.M.T. This is true under the recognized principles of the law of conspiracy as well as under the theory of the judgment of the International Military Tribunal.

As we have already pointed out in the Introduction, we must keep clearly in mind that this Tribunal is applying international law and that we should not approach matters arising in the course of this trial solely from the standpoint of any single judicial system. International law with respect to these questions must be derived and applied from a variety of sources and legal systems, bearing constantly in mind that international law must keep step with the moral code of the civilized world. Decisions of United States Courts are therefore not conclusive but, depending on the circumstances, they may be very persuasive.

A case which we believe is of special significance is a case decided by the United States Supreme Court in 1943, Direct Sales Co. v. United States, 319 U.S. 703. In this case, the defendant, a mail order medical supply company was shown to have sold morphine sulphate, a narcotic drug, to a small town doctor through the mail in amounts ranging from small purchases to an average of 5,000-6,000 half-gram tablets per

month in the latter part of 1939 (enough for 400 average doses per day). All this was done by mail orders, and there was no personal contact between the company and the doctor. Through advertising, discount plans, and listings of large units (5,000 tablet units) the defendant pushed such quantity sales, despite warnings from the Bureau of Narcotics. The defendant, the doctor and others were convicted of conspiracy to violate the Harrison Narcotic Act. Defendant appealed claiming that the evidence showed at most only legal sales to the doctor, accompanied by knowledge he was distributing goods illegally. The defendant cited a previous U.S. Supreme Court Case, United States v. Falcone, for the proposition that evidence of legal sales with knowledge that they will be used illegally is not sufficient to constitute the crime of conspiracy.

The United States Supreme Court affirmed the conviction. It said that the Falcone case "holds only that one does not become a party to a conspiracy by aiding and abetting it through sales of supplies or otherwise, unless he knows of the conspiracy. The Government did not contend in the Falcone case that there was a conspiracy between buyer and seller alone."

The court then proceeded to consider the merits of the appeal in the following language:

"The commodities sold there [Falcone Case] were articles of free commerce, sugar, cane, etc. They were not restricted as to sale by order form, registration, or other requirements. When they left the seller's stock and passed to the purchaser's hands, they were in themselves restricted commodities, incapable of further legal use except by compliance with rigid regulations, such as apply to morphine sulphate. The difference is like that between toy pistols and hunting rifles and machine guns. All articles of commerce may be put to illegal ends. But all do not have inherently the same susceptibility to harmful and illegal use. Nor, by the same token, do all embody the same capacity, from their very nature, for giving the seller notice the buyer will use them unlawfully. Gangsters, not hunters or small boys, comprise the normal private market for machine guns. So drug addicts furnish the normal outlet for morphine which gets outside the restricted channels of legitimate trade.

"This difference is important for two purposes. One is for making certain that the seller knows the buyer's intended illegal use. The other is to show that by the sale he intends to further, promote and cooperate in it. This intent, when given effect by overt act, is the gist of conspiracy. While it is not identical with mere knowledge that another purposes unlawful action, it is

not unrelated to such knowledge. Without the knowledge, the intent cannot exist. United States v. Falcione, supra. Furthermore, to establish the intent, the evidence of knowledge must be clear, not equivocal. IBID. This because charges of conspiracy are not to be made out by piling inference upon inference, thus fashioning what, in that case, was called a dragnet to draw in all substantive crimes.

"The difference between sugar, cane and other articles of normal trade, on the one hand, and narcotic drugs, machine guns and such restricted commodities, on the other, arising from the latter's inherent capacity for harm and from the very fact they are restricted, makes a difference in the quantity of proof required to show knowledge that the buyer will utilize the article unlawfully. Additional facts, such as quantity sales, high-pressure sales methods, abnormal increases in the size of the buyer's purchases, etc., which would be wholly innocuous or not more than ground for suspicion in relation to unrestricted goods may furnish conclusive evidence, in respect to restricted articles, that the seller knows the buyer has an illegal object and enterprise. Knowledge, equivocal and uncertain as to one, becomes sure as to the other. So far as knowledge is the foundation of intent, the latter thereby also becomes the more secure.

"The difference in the commodities has a further bearing upon the existence and the proof of intent. There may be circumstances in which the evidence of knowledge is clear, yet the further step of finding the required intent cannot be taken. Conceivably, not every instance of sales of restricted goods, harmful as are opiates, in which the seller knows the buyer intends to use them unlawfully, will support a charge of conspiracy. But this is not to say that a seller of harmful restricted goods has license to sell in unlimited quantities, to stimulate such sales by all the high-pressure methods, legal if not always appropriate, in the sale of free commodities; and thereby brings about subversion of the orderforms, which otherwise would protect him, and violation of the Act's other restrictions. Such a view assumes that the market for opiates may be developed as any other market. But this is not true. Mass advertising and bargain-counter discounts are not appropriate to commodities so surrounded with restrictions. They do not create new legal demand and new classes of legitimate patrons, as they do for sugar, tobacco and other free commodities. Beyond narrow limits, the normal legal market for opiates is not capable of being extended by such methods. The primary effect is rather to create black markets for dope and to increase illegal demand and consumption.

"When the evidence discloses such a system, working in prolonged cooperation with a physician's unlawful purpose to supply him with his stock in trade for his illicit enterprise, there is no legal obstacle to finding that the supplier not only knows and acquiesces, but joins both mind and hand with him to make its accomplishment possible. The step from knowledge to intent and agreement may be taken. There is more than suspicion, more than knowledge, acquiescence, carelessness, indifference, lack of concern. There is informed and interested cooperation, stimulation, instigation. And there is also a 'stake in the venture' which, even if it may not be essential, is not irrelevant to the question of conspiracy. Petitioner's stake here was in making the profits which it knew could come only from its encouragement of Tate's illicit operations. In such a posture the case does not fall doubtfully outside either the shadowy border

between lawful cooperation and criminal association or the no less elusive line which separates conspiracy from overlapping forms of criminal cooperation.

"Conspiracies, in short, can be committed by mail and by mail-order houses. This is true, notwithstanding the overt act consists solely of sales, which but for their volume, frequency and prolonged repetition, coupled with the seller's unlawful intent to further the buyer's project, would be wholly lawful transactions." (pp 714-715)

Although this United States Supreme Court decision is not binding on this Court we believe the rationale of the decision is convincing. Applying this rationale to the facts in the instant case, we find that all the basic elements indicated in Direct Sales Co. v. United States and many more are present here. Thus the observations of the United States Supreme Court are not only applicable to the evidence discussed in Parts I, II and III of this brief but such evidence establishes much more than is required by such observations. In the words of the Supreme Court: "When the evidence discloses such a system, working in prolonged cooperation with [Hitler's] unlawful purpose to supply him with his stock in trade for his illicit enterprise, there is no legal obstacle to finding that the supplier not only knows and acquiesces, but joins both mind and hand with him to make its accomplishment possible. The step from knowledge to intent and agreement may be taken. There is more than suspicion, more than knowledge, acquiescence, carelessness, indifference, lack of concern. There is informed and interested cooperation, stimulation, instigation. And there is also a 'stake in the venture' which, even if it may not be essential, is not irrelevant to the question of conspiracy."

In the words of the International Military Tribunal (Vol. I, Trial of the Major War Criminals, p. 226): "Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they knew what they were doing."

Accordingly, it is the position of the prosecution that the

defendants in this case not only participated in a common plan or conspiracy, through the instrumentality of Farben or otherwise, to carry out the activities described in Parts I, II and III of this brief, but also in the carrying out of such activities "made themselves parties", in the words of the I.M.T., to the common plan or conspiracy found by the I.M.T.

(End)

Case 6

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

against

KRAUCH and Others (Case VI)

PRELIMINARY MEMORANDUM BRIEF

OF THE PROSECUTION

PART VI

GENERAL THEORIES OF RESPONSIBILITY

13 December 1947



PART VI

GENERAL THEORIES OF RESPONSIBILITY

In Parts I, II, III and V of this brief we have reviewed the evidence showing the extent and nature of the participation by these defendants, acting through the instrumentality of Farben and otherwise, in the crimes charged. The evidence which has been reviewed shows that in most instances these defendants participated in the activities involved as responsible officials of Farben. In addition, we have seen how the defendants also participated in some of these activities through the high political, civil, or military positions which they held in Germany, other than as officials of Farben, particularly in the financial, industrial, and economic life of Germany. In considering the extent of participation of these defendants in these crimes and the knowledge by these defendants of what they were doing, certain basic general principles should be kept in mind.

It may be noted here that the prosecution is not undertaking at this point to submit individual briefs on each defendant. We have been requested to give our legal theory together with appropriate references to the evidence. We have given our general theory with respect to each count of the indictment in Parts I through V of this brief. In this part we propose to discuss certain basic general theories relating to the responsibility of these defendants.

A. Holding of High Positions

Appendix "A" of the indictment lists the high positions held by each of the defendants in the financial, industrial, and economic life of Germany, including their positions in Farben, and also the high political, civil, and military positions held by each of the defendants in Germany.¹ It is alleged that the defendants by using these positions and their personal influence participated in the crimes charged in Counts I, II, III and V of the indictment.

1. See particularly exhibits in Document Books 11 and 66.

As we have already pointed out in Part I of this brief, it is the contention of the prosecution that it was not intended that the holding of these high positions should attach criminal guilt for participation in crimes against peace automatically to the holders. The fact that a defendant held these positions, however, should pursuant to Control Council Law No. 10 be taken into consideration, together with all the other facts, in determining the extent of his participation in and knowledge of the criminal activities charged.

We do not propose at this point to review the significance of each position held by each defendant. It is sufficient to note here that these positions, listed in Appendix "A" of the indictment, enabled the defendants to participate in a substantial way in many activities vital to preparing Germany for war and for the waging of war by Germany during a period of twelve long years.

B. Membership in the Vorstand

All of the defendants with the exception of Duerrfeld, Gettinow, von der Heyde, and Kugler were members of the Vorstand of Farben--the managing Board of Directors of Farben. Kreuch was a member of the Vorstand until 1940 at which time he became Chairman of the Aufsichtsrat. The evidence which has been introduced relating to the organization and operation of Farben has established, we submit, that the responsible direction of the activities of Farben was in the Vorstand. General policies were fixed by the Vorstand and no matter of importance in Farben could take place without the knowledge and approval of the Vorstand.

The evidence establishes that every person who was a member of the Vorstand of Farben bore a substantial responsibility for the activities of that concern, either because he participated initially in formulating the policy or approved or ratified the activities in question.

The fact that any individual Vorstand member may not have known of some particular detail involved in the carrying out of a program which he had initiated, supported, or approved, is unimportant. It is certainly not the position of the prosecution that, in a giant concern of this size, any person could know all the detailed ramifications of the execution of all adopted policies. It may be that on occasion a specific act was taken in the carrying out of a policy approved by the Vorstand which was not contemplated in the original program. But where, as here, the execution of any specific program extends over a relatively long period of time, those who are responsible for initiating that program and for carrying it out cannot claim that they did not know what was happening during its execution. Although Farben was a giant concern, it was not a robot which ran by itself. It was directed by men and its responsible directors were the members of the Vorstand. Those persons who were legally charged with running, and who did run, this concern, cannot escape liability by any alleged failure to have found out the main consequences of the policies they set in motion or subsequently approved. Indeed, it would be an anomalous situation, both in law and in fact, if anyone should claim that this concern became a Frankenstein of which men were no longer the masters. The masters of this concern were the Vorstand members. There could be no other.

The evidence which has been introduced relating to the organization of Farben shows that as a matter of historical fact, the management of Farben by the Vorstand covers two periods: one, prior to 1938, and the other, after. The reason for this division is that in 1938 the new German Stock Company Law made changes in the corporate structure. Prior to 1938 the Vorstand consisted of 80 members. It appointed a Working Committee of 26 and delegated to that committee the management and responsibilities of the Vorstand. This Working Committee, for all practical purposes, was the Vorstand and also constituted the responsible management of I. G. Farben from 1925 to 1937. (Exh. 330, NI-5184, Book 12, Page 91; Exh. 333, NI-5186, Book 12, Page 114; Exh. 334, NI-5187, Book 12, Page 126). The Vorstand after 1937 "was the same as the Working Committee before 1937". (Exh. 338, NI-5120, Book 12, Page 183).

In 1938 when the new German Joint Stock Company Law became effective, the size of the Vorstand was substantially reduced and the Working Committee was discontinued and its members became ordinary Vorstand members. (Exh. 330, NI-5184, supra, at Page 95). Within the Vorstand a special Central Committee existed which confined its activities to personnel matters, such as appointments to select positions of responsibility in the organization. Authority over questions governing financial contributions was also exercised by the Central Committee of the Vorstand. (Exh. 330, NI-5184, supra, at Page 95). The membership in the Vorstand and the Central Committee from 1938 on is listed in Exh. 330, supra at Page 96).

The by-laws of the Vorstand, which were promulgated by the Aufsichtsrat pursuant to the Articles of Incorporation of Farben (Exh. 337, NI-8934, Book 12, Page 177), provide that the Vorstand is to conduct the business of the company and the following obligations, among others, were imposed upon every member of the Vorstand; "to call attention to matters, the knowledge of which is of importance to the other members of the Vorstand", and when Vorstand members have knowledge of "particularly important matters which go beyond the framework of the ordinary business conducted, to report to the full Vorstand for decision." "In exceptional cases where immediate action by a Vorstand member was necessary, he was still required at "the next session of the full Vorstand" to report on the independent action taken by him (Exh. 337, NI-8934, supra.)

TECHNICAL COMMITTEE OF THE VORSTAND (TEA)

The internal administrative organization of the Vorstand and the manner of its operation discloses that it was designed and as an actual fact did keep the entire Vorstand informed of the important problems of the concern and the manner in which its policies were being carried out, and on the basis of such information action was authorized or approved.

Above the three main departments (Sparten), and the last link in policy making between the plants and the Vorstand, was the Technical Committee of the Vorstand, commonly referred to as the "TEA". The Technical Committee was made up of the principal technical leaders of I. G. Farben, including the technical members of the Vorstand, the managers of the larger plants, and the leading engineers of the three Sparte. (Exh. 334, NI-5187, Book 12, Page 126).

The defendant ter Meer was chairman of the TEA from 1932 until the German collapse. Ten of the other eighteen Vorstand members in the dock were TEA members for varying periods of years ending with the German collapse. These are the defendants: Ambros, Buergin, Bueterfisch, G. Jowski, Hoerlein, Jachne, Kuehne, Lautenschlaeger, Schneider, and Wurster. Krauch was a TEA member from 1929 until 1940, when he became Chairman of the Aufsichtsrat. (Exh. 330, supra).

The Technical Committee was formed immediately after the merger in 1926. The original By-Laws show that from the beginning the TEA had important functions. (Exh 342, NI-7603, Book 12, Page 213). Its working field included all technical and scientific questions, as well as other fields related to these questions. All credit appropriations for running or expanding Farben's business were collected, consolidated, and examined in the TEA before a recommendation was made to the Vorstand. Each year a report had to be made before TEA on the projected plant expenditures for the next year for each plant. Quarterly reports had to be made on the manpower situation in the plants, social welfare, production performance as against capacity, and the future outlook.

The meetings of the TEA preceded the Vorstand meetings and "most of the Vorstand members had been advised in advance of the more important matters which were to come before the Vorstand", particularly with respect to technical matters because "more than half of the Vorstand members were

also members of the TEA* and guests from the commercial side also participated in the TEA meetings. The decisions previously taken in the TEA meetings "were never reversed or substantially amended by the Vorstand." (Exh. 330, NI-5184, supra, at Page 97). It was not even necessary to take a formal vote on any resolution of the Vorstand. (Exh. 330, NI-5184, supra, at page 97).

Under the jurisdiction of the TEA was a series of technical sub-commissions answerable to it. The function of some of these commissions are described in Exhibit 374, NI-7318, Book 14, at Page 63. The decisions of the sub-committees (and some of them dealt with commercial matters) were taken to the TEA for approval and then to the Vorstand. Since "all the meetings had been held immediately following each other, the impression of the persons reporting to the Vorstand was fresh, and it can be said that the entire Vorstand was well informed about all important matters." (Exh. 374, NI-7318, supra, at Page 64; see transcript page 1633-1635).

COMMERCIAL COMMITTEE OF THE VORSTAND (KA)

On the commercial side of Farben we have the sales organizations directed by and gathered together in four major "Sales Combines", each of which was headed by a Vorstand member. Most of the ordinary functions of these Sales Combines were sufficiently distinct so that little formal day-to-day coordination was necessary as between them. However, fundamental questions of business management required a uniform policy between the Sales Combines, the heads of which were all members of, and hence directly responsible to, the Vorstand. To assist I. G. Farben in maintaining coordination in commercial matters, a Commercial Committee was formed after the merger in 1925. This original Commercial Committee declined in importance and by 1933 was quite inactive. Between 1933 and 1937 such coordination was almost entirely accomplished in Vorstand meetings or by separate

discussion between the interested commercial Vorstand members. However, during the early Nazi regime, the coordination of commercial policy came to require more detailed consideration than the Vorstand as a group could give it. Hence the Commercial Committee of the Vorstand was reconstituted in August, 1937. Among the more important reasons for the reconstruction of the Commercial Committee were the problems of economic mobilization, the increasing regulations of an autarchic and rapidly arming State, the coordination of FARBEN agents abroad; the avoidance of conflicting positions to the outside world by leading representatives of I. G. FARBEN, and other problems caused by the intensified preparation for the war. (Exh. 361, NI-653, Book 13, P. 102; Exh. 360, NI-5169, Supra). Thereafter, the Commercial Committee became one of the most important policy forming groups in I. G. Farben. Where the KA members came to an agreement in their monthly meetings, such agreements were of course, binding. Such agreements were reported to the Vorstand for approval and then executed. The KA, just as the TLA, met generally the day before the Vorstand and its report and recommendations were made to the Vorstand. Once the Vorstand approved a policy or a measure, in the commercial field, the commercial Vorstand leaders were responsible for its execution in their respective fields.

From 1937 until the German collapse, five of the defendants were members of the Commercial Committee; the defendant SCHNITZLER, chairman, and the defendants HAEFLIGER, ILGNER, MANN, and OSTER. The defendant KUGLER, a titular director and not a Vorstand member, was a member of the K.A. from 1940 until the collapse. The defendants SCHMITZ and KNIERIEM appear to have attended the KA meetings quite regularly as guests, and quite frequently some of the leaders on the technical side, such as the defendants ter MEER and GAJEWSKI were in attendance at KA meetings. (Exh. 360, NI-5169, Book 13, Page 82).

In the Technical and the Commercial Committee, "on matters relating to I. G. business affairs on the technical, production, and commercial sides were thoroughly discussed so that the Vorstand members sitting on these committees were fully informed about projects requiring Vorstand approval, when they were submitted to the Vorstand sitting as a body. The Technical Committee and the Commercial Committee had no authority to make decisions, only to deliberate and to recommend." (Exh. 338, NI-6120, Book 12, Page 181, Tr.P. 1694). "Only the Vorstand could finally approve the expenditures of funds for any purposes including production." (Exh. 338, supra).

The procedure before the Vorstand, the manner in which reports were submitted by the TEA and the Commercial Committee, are described by defendant Ter Meer in Exhibit 330, NI-5184, supra, at Page 97. Consideration of the general policy and important matters of the management of the company was in many cases initially given by the members of the TEA and the KA. They then made recommendations to the Vorstand for approval. "Responsibility and final authority was always with the Vorstand and particularly after 1935, the Vorstand was in complete control of management and policy making. The Vorstand made basic policy for all I.G. and all activities at the plant or sales combine level was in conformity with that policy." (Exh. 338, NI-6120, Book 12, Page 181, at Page 184.)

Accordingly, it is clear that any person who was a member of the Vorstand had the necessary degree of connection, both with respect to the act of participating and the extent of his knowledge, with the activities carried on through the instrumentality of Farben, to be held criminally responsible for all of the activities reviewed in Parts I, II, and III of this brief. The fact that certain members of the Vorstand may have been given special authority or may have assumed

the leadership in certain specific fields of activity does not affect this criminal responsibility of each member of the Vorstand. For as we have seen, the evidence shows that both under the requirements of the By-Laws and as a matter of actual practice, when a particular member of the Vorstand was administering a specialized field of activity, he was acting for the Vorstand, reported regularly to the Vorstand on his activity, and his act was either initially authorized or approved or later ratified by the Vorstand. The internal administrative machinery which the Vorstand created, such as the TEA and KA and other committees, were all designed to permit certain members of the Vorstand to assume leadership in specialized fields while at the same time putting the Vorstand in a position of formulating policy; approving or ratifying specific acts; and keeping informed on all matters of importance taking place in the concern.

The fact that a defendant was a member of the Vorstand of Farben is of vital significance in two respects. In the first place, it meant that he, as one of the persons on the managing board of directors, substantially participated in the activities carried on through the instrumentality of Farben; in the second place, it meant that he knew of any matter of any importance in the affairs of Farben, even though he may not have known (although he could have found out with the slightest investigation) of many details in connection with the administration of such matters.

Thus, for example, in connection with the activities which have been discussed in Part I of this brief, it is inconceivable that any member of the Vorstand did not know of the financial support given by Farben to the Nazi Party and Nazi organizations during a period of twelve years. As we have seen, all important contributions had to be ratified by the Central Committee of the Vorstand which reported to the Working Committee of the Vorstand before 1938, and after 1938 to the Vorstand. That he knew that these contributions were being made during this period and the general nature and amount of the contributions, can hardly be questioned.

The close cooperation between Farben and the Wehrmacht from 1933 on, including its close liaison through the Vermittlungsstelle W in Berlin, is also a matter which it is clear the Vorstand members were not only responsible for but knew about. The fact that Krauch played a leading role initially in Vermittlungsstelle W and that each of the three offices of the Vermittlungsstelle W were responsible to the respective Sparte heads -- which included Krauch, Schneider, Ter Meer, and Gajewski during the period involved -- does not lessen the responsibility of the members of the Vorstand for the activities carried on through this office. Insofar as the mobilization plans were concerned, we have seen not only that the technical members of the Vorstand, such as Ter Meer, Kuehne, Jachne, Hoerlein, and others participated actively, but also the commercial members of the Vorstand, such as von Schnitzler and Ilgner. (see page 17, supra). Here again the fact that certain individuals took active roles does not lessen the overall responsibility of all members of the Vorstand.

This same principle applies to all of the activities mentioned in Part I of this brief. It is true that certain members of the Vorstand and some of the other four defendants had special responsibilities in certain fields, such as Ter Meer and Ambros in connection with the synthetic rubber program; Krauch and Bueteffisch in connection with the synthetic gasoline program; Haefliger in connection with light metals; Krauch, Ambros, Buerger, Gajewski, Schneider, Wurster, and Bueteffisch in connection with operation of the Four Year Plan; von Schnitzler, Wonn, Schmitz, Gattinoru, Ilgner and von der Heyde in connection with certain aspects of propaganda, intelligence, and espionage; Schmitz, Ter Meer, von Knieriem, Ambros, Bueteffisch, and Schneider in connection with certain phases of weakening other countries through use of international agreements; von Schnitzler, Ter Meer, and

von Knieriem in connection with certain aspects of camouflaging of foreign assets in anticipation of war; and Schmitz, von Schnitzler, Ter Meer, Mann, Ilgner, Kusler, von Knieriem, and others in connection with the "New Order". The fact that these persons took these leading roles, however, does not take away from the fact not only was the Vorstand responsible for all of these activities, but that its members knew of and approved or ratified all important aspects of such activities.

The same holds true when we come to the activities described in Part II of this brief. Thus it is true that Forben's Commercial Committee initially discussed new policies in connection with plunder and spoliation; that the defendants Schmitz, von Knieriem, von Schnitzler, Ter Meer, Buetefisch, Haefliger, Ilgner, Kuchne, Mann, and Oster, as well as Gattineau, von der Heyde, and Kusler took an active part in these meetings; that Krauch, von Schnitzler, von Knieriem, Ter Meer, Ambros, Buetefisch, Ilgner, Mann, and Oster were especially active in connection with planning spoliation in Russia; that Krauch, Schmitz, Buergin, Haefliger, Ilgner, and Oster were especially active in connection with spoliation in Norway; that Schmitz, von Schnitzler, Ter Meer, Ambros, Mann and Kusler were especially active in the plunder of France; that Schmitz, von Schnitzler, Ter Meer, Haefliger, Ilgner, Kuchne, and Kusler played a leading role in Czechoslovakia; that Buetefisch, Haefliger, Ilgner, Kuchne, Gattineau, and von der Heyde were involved in Austria; and that J. chne was especially active in Alsace-Lorraine. All of this again does not limit the responsibility of all members of the Vorstand nor diminish the fact that the members of the Vorstand knew that Forben was plundering the chemical industries throughout Europe.

Again, when we come to Part III, the same prevails. It is true that the Technical Committee often recommended whole programs involving slave labor to the Vorstand for approval;

that individual defendants headed some of the Farben plants and combines using slave labor, such as Wurster and Ambros at Ludwigshafen, Lautenschlager and Joehne at Hoechst, Kuehne and Hoerlein at Leverkusen, Buerger at Bitterfeld, Gajewski at Wolfen, Schneider and Guetefisch at Leuna, and Ambros, Guetefisch, and Duerrfeld at Auschwitz; and that Schneider, Ter Meer and Gajewski were Sparte heads, with special responsibilities in this field. It is true that Schneider, as Main Plant Leader, and many of the other defendants named immediately above as Plant Leaders (Betriebsfuhrer) had special responsibilities for labor welfare. This does not, however, lessen the extent of participation in or knowledge of such activities on the part of all members of the Vorstand.

The same general reasoning applies to the activities in connection with criminal medical experiments and the furnishing of poison gas to concentration camps for use in the extermination of inmates. From the discussion of the evidence which appears in Part III of this brief relating to these activities, it will be seen that the members of the Vorstand participated in these activities within the meaning of Control Council Law No. 10 and either knew what was going on or deliberately turned away in order to avoid finding out what they suspected was going on. The affidavit of the defendant von Schnitzler (Exh. 40, NI-5196, Book 1, at page 60) well describes their frame of mind in connection with activities for which the defendants were responsible but for which they wished to be in a position of denying responsibility. Thus in referring to the fact that Mueller-Cunradi, a deceased Vorstand member, had mentioned that "terrible things had happened in the concentration camp at Auschwitz, that gases had been used to kill people, and that I. G. products were in it", von Schnitzler stated that he was so horrified about it that he only reacted by asking "But do other people know that too".

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Proceedings

MILITÄRGERICHTSHOF

Fall Nr. 6

DIE VEREINIGTEN STAATEN VON AMERIKA

-gegen-

CARL KLAUCH, und Genossen, Angeklagte

ERÖFFNUNGSERKLÄRUNG DER
VEREINIGTEN STAATEN VON AMERIKA

Nürnberg
27. August 1947

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EINFÜHRUNG

Die schweren Anschuldigungen in diesem Verfahren werden nicht aufs Geratewohl oder ohne Überlegung dem Gerichtshof vorgelegt. Die Anklageschrift beschuldigt diese Männer, einen grossen Teil der Verantwortung fuer die Heimsuchung der Menschheit mit dem verheerendsten und katastrophalsten Krieg in der Geschichte der Menschheit zu tragen. Sie beschuldigt sie der Massenversklavung, der Pluenderung im Grossen und des Massenmords. Dies sind ausserst schwere Anklagen, niemand sollte sie frivol oder aus Rachsucht erheben, oder ohne sich zutiefst und in Demut der Verantwortung bewusst zu sein, die er hierdurch auf sich laedt. Dieser Fall entbehrt jeden Humors, noch liegt ihm irgendwelcher Hass zugrunde.

Die Welt um uns ist weit davon entfernt ein Paradies zu sein. Das Antlitz dieses Erdteils traegt haessliche Narben und seine Stimme gleicht einem wuetenden Grollen; ueberall liegen die Werke von Menschenhaenden in Trummern und die Menschen fuehren ein Dasein wie im Fegfeuer. Die erste Haelfte dieses Jahrhunderts war eine dunkle Zeit; die meisten seiner Jahre waren Kriegsjahre oder erfuehlt von Kriegsgefahr oder den bitteren Nachwirkungen des Krieges. Wer heute nach Spuren von Unterdrueckung, nach Spuren von Gewalttaetigkeit oder des Krieges sucht, braucht nicht weit zu gehen noch faellt ihm die Wahl schwer, in welcher Richtung er gehen soll. Soll damit nun gesagt sein, dass wir alle, einschliesslich dieser Angeklagten, nur Kinder einer vergifteten Zeit sind? Sollte der Versuch, die Schuld am Ruin und am Elend dieser Zeiten gerecht zu verteilen, zum Scheitern verurteilt sein?

Es ist gar zu einfach, sich mit einem philosophischen Achselzucken oder einem mueden Seufzer darueber hinwegzusetzen. Es mag verlockend sein, sich ins Schicksal zu ergeben oder sich von allen zu distanzieren, aber dies waere ein verhaengnisvoller Verzicht. Gott gab uns diese Erde, um einen Garten daraus zu machen und nicht einen stinkenden Haufen von Trummern und Ketzricht. Wenn die Zeiten aus den Fugen geraten sind, so

darf dies nicht als goettliche Strafe hingenommen werden oder als unforschlicher ~~R~~schluss, gegen den die Menschen machtlos sind. Menschliche Schwaechen sind die Wurzeln dieses Unheils und diese Schwaechen koennen nur durch Reinigung der Seele und durch den Einsatz aller geistigen und koerperlichen Kraefte besiegt werden.

Dieses Verfahren hat, wie jeder Strafprozess, seine Berechtigung nur als ein Teil dieser Bussse und dieses Wiederaufbaus. Am Berge wurde uns gepredigt: Richtet nicht, damit Ihr nicht gerichtet werdet, und es steht uns wohl, an ueber dieses tiefsinnige Verbot nachzudenken und es zu verstehen zu versuchen. Es ist sowohl der Pruefstein fuer das gerichtliche Verfahren als auch der Kern dieses besonderen und schicksalsschweren Prozesses.

Dieser feierliche Mahnspruch, weit davon entfernt, der Rechtsprechung des Gerichtshofes einen Riegel vorzuschieben, ist ihre Grundlage. Er erinnert den Einzelnen an seine eigene Schwaeche und Fehlbarkeit. Es ist dem Menschen nicht gegeben, den Schleier zu durchdringen und die grossen absoluten Wahrheiten zu erraten. Der Richter darf nicht in seinem eigenen Namen richten, auch nicht ohne Anleitungen; er richtet nach Gesetzen, die von altherwuerdigen Schriften und der Weisheit der Zeiten abgeleitet sind und die von der Gemeinschaft, sei sie gross oder klein, deren Beamter und Diener er ist, als bindend erklaert oder allgemein angenommen wurden sind. Deshalb ist das richterliche Ornat ein Kleid der Demut, nicht des Stolzes.

Dieses Gebot gilt jedoch nicht nur fuer Richter; es gilt fuer die gesamte Menschheit; es warnt den Menschen, sich nicht besser zu duenken als seine Mitmenschen, und seinen Nachbarn nicht seine eigenen Vorstellungen von Gut und Boesse aufzuzwingen. Es ist eine Mahnung gegen Ueberheblichkeit, Anmassung und Eitelkeit. Es ist das goettliche Gebot und regelt der Menschen Rechte und Pflichten. Von ihm sind alle jene grossen Verkuendungen der Menschenwuerde in modernen Zeiten abgeleitet und auf ihm fussen die Rechtsprinzipien, nach denen diese Angeklagten gerichtet werden sollen.

Die Verbrechen, deren diese Maenner beschuldigt sind, wurden nicht

in Wut begangen oder unter dem ungestuemen Druck ploetlicher Versu-
chung; es waren nicht die Fehlritte sonst rechtthuender Menschen. Eine
solche riesige Kriegsmaschinerie wird nicht in einem Anflug von Leiden-
schaft aufgebaut, noch eine Auschwitz Fabrik in einen voruebergaben-
den Anfall von Brutalitaet. Was diese Maenner taten, geschah mit
aeusserster Ueberlegung und wurde - ich wage dies anzunehmen - wenn
sich die Gelegenheit dazu wieder boete, noch oimal getan werden. Die
ruecksichtslose Zielstrebigkeit, mit der die Angeklagten den Kurs ihres
Verhaltens festlegten, wird nicht zu verkennen sein.

Dieses Ziel war, die Deutsche Nation in eine Kriegsmaschinerie zu
verwandeln und sie zu einem Mittel der Zerstoeerung von solch erschrek-
kender Gewalt auszubauen, dass Deutschland durch rohe Drohungen und,
wenn noetig durch Krieg, Europa, und spaeter anderen Nationen jenseits
der Meere, seinen Willen und seine Herrschaft aufzwingen koennte. In
diesen arroganten und im hoechsten Sinne verbrecherischen Abenteuer
waren die Angeklagten eifrige und fuehrende Teilnehmer. Sie halfen, die
Flamme der Freiheit auszuloeschen und das deutsche Volk der ungeheuer-
lichen, zermuerbenden Tyrannte des Dritten Reiches zu unterwerfen, dessen
heerliche Absicht die Brutalisierung der gesamten Nation und seine
Durchtraenkung mit Hass war. Sie mobilisierten die Hilfsquellen des
Reiches und richteten ihre gewaltigen Geistesgaben auf den einen Punkt,
naemlich die Waffen und Werkzeuge der Eroberung, die den deutschen
Terror verbreiteten, zu schmieden. Sie waren die Faeden in dem dunk-
len Todesmantel, der sich ueber Europa senkte.

Die Angeklagten werden uns zweifellos erzahlen, dass sie bloss
unbereifrige und vielleicht irrefuehrte Patrioten waren. Wir werden
sagen hoeren, dass sie nur das zu tun planten, was jeder patriotische
Geschaeftsmann unter aehnlichen Umstaenden getan haben wuerde. Die
deutsche Wehrmacht war schwach; sie halfen, sie stark zu machen. Sie
waren fuer die Leitung einer ausgedehnten Industrie von internationalem
Ausmass verantwortlich, und ein starkes Deutschland wurde dazu verhel-
fen, die Gewinne ihres Unternehmens zu steigern. Was das Blutbad des
Krieges und die Hinschlachtung von Unschuldigen anlangt, so waren dies

eben die bedauerlichen Taten Hitlers und der Nazis, deren Diktatur sie auch unterworfen waren. Sie werden zugeben, dass das Geschehene in der Tat höchst bedauerlich sei, aber man wird uns versichern, dass keiner von ihnen irgend etwas dagegen tun konnte.

So plausibel dies auch klingen mag, es ist nicht die Wahrheit. Dies sind Männer, die vor nichts Halt machten. Sie waren die Zauberer, die die Phantasien von "Mein Kampf" wahr machten. Sie waren die Wächter der Staatsgeheimnisse des Dritten Reiches. Sie waren die Baumeister der Wehrmacht. Sie und wenige andere wussten genau wieviele Reifen für Flugzeuge und Lastkraftwagen und wieviele Raupenketten aus dem Buna der IG hergestellt worden waren und wie gross der Vorrat an Explosivstoffen war. Sie kannten jede Einzelheit der komplizierten und ungeheuren Kriegsmaschinerie und beobachteten ihr Wachsen mit dem Stolz des Erbauers. Sie wussten, die Maschinerie würde verwendet werden und sie gedachten, sie selbst zu verwenden. Europa war mit Bergwerken und Fabriken übersät, die sie begehrt, und für jeden Schritt in ihren Eroberungszug war ein Programm industrieller Plünderung vorgesehen, das prompt und rücksichtslos durchgeführt wurde. Dies sind die Männer, die den Krieg möglich machten, und sie taten es, weil es sie nach Eroberungen gelüstete.

Planten sie ein leichtes Joch für die Völker, die sie zu unterwerfen entschlossen waren? Waren sie wohlwollende Despoten, unter deren Herrschaft die schönen Wissenschaften blühen würden? Können wir irgendeine idealistische Note durch das Kriegsgetöse und den Kriegelärm hindurch hören? Im Jahre 1940 planten die Angeklagten den Bau ihrer vierten Fabrik zur Herstellung synthetischen Gummi, deren Produktion von lebenswichtiger Bedeutung sein würde, wenn der Krieg lange dauern sollte. Sie beschlossen, die Fabrik in Osteuropa zu bauen, und der Angeklagte Ambros machte sich auf die Suche nach einer passenden Örtlichkeit. In eroberten Polen zeigte man Ambros eine Stadt, wo eines der grössten Konzentrationslager Himmlers gerade gebaut worden war. Die Stadt war Oswiecim, den Deutschen unter dem Namen Auschwitz bekannt. Ambros fand die Baustelle in sonstiger Hinsicht in Ordnung und war be-

sonders an der Möglichkeit interessiert, die Konzentrationslager-Häftlinge zur Erbauung der Fabrik benutzen zu können. Ueber all dies erstattete er den anderen Angeklagten Bericht. Sie stimmten zu, und die Errichtung der IG-Fabrik in Auschwitz wurde umgehend begonnen. Was sich in Auschwitz während dieser Jahre zutrug, wird später in Einzelnen geschildert werden. Himmler stellte den Angeklagten gegen eine Vergütung die unglücklichen Häftlinge seines Lagers zur Verfügung, die schufteten und starben, um die Buna-Fabrik zu bauen. Es ist eine empörende Geschichte von Brutalität und Mord. Aber dieses schmutzige Projekt war ein Teil des üblichen Schemas des Dritten Reiches und fand bei den Angeklagten grossen Anklang. Im Jahre 1943 wurde eine fünfte Buna-Fabrik geplant, und der Angeklagte Krauch schrieb an Heinrich Himmler:

Ich habe es besonders begrüsst, dass Sie.....angedeutet haben, evtl. den Ausbau eines weiteren Synthesewerkes, das ich zur Sicherung der Kautschukversorgung fuer unbedingt notwendig erachte, ähnlich wie in Auschwitz, durch die Zurverfügungstellung von Insassen aus Ihren Lagern gegebenenfalls zu unterstützen. Ich habe im entsprechenden Sinne auch dem Herrn Minister Spoor geschrieben und waere Ihnen dankbar, wenn Sie dieser Frage weiter Ihre Foerderung und volle Unterstuetzung angedeihen liessen.

Diese Worte hatten von jedem der Angeklagten geschrieben sein können. Es ist ein Brief unverhüllter Armassung, grenzenloser Verachtung menschlicher und göttlicher Gebote. Diese Männer erkuchnten sich zu richten. Ihrem Urteil nach waren sie allein dazu qualifiziert, das Weltenschicksal zu lenken. Ihrem Urteil nach hatten sie das Recht zum Unterjochen und Befehlen. Sie faollten das Urteil, dass der Jude, der Pole und der Russe Parias seien. Allen ihren Urteilen lag eine bodenlose Eitelkeit und ein unersättlicher Ehrgeiz zugrunde, die ihre eigene Macht zu ihrem höchsten und einzigen Gott erhoben. Diese anmassenden Richtersprüche wurden von ihnen mit Peitsche und Schwert verkündet und in die Tat umgesetzt. Kaum ein Land in Europa entging dem Blutbad, das sie entfesselten, und der Tag wird sicher kommen, an dem ihre eigenen Landsleute voll das katastrophale Ausmass ihrer Greuel erfassen werden, die sie fuer Deutschland veruebt haben. Es ist kein Akt der Rache, sondern eine unabweisbare und feierliche Pflicht, die Handlungsweise dieser Leute an den Gesetzen und Geboten zu messen, die abzuleugnen sie gewagt haben.

GESCHICHTE UND ORGANISATION DER I.G. FARHEN

Ich moechte den Gerichtshof nicht mit ermuedenden Darlegungen belasten, aber wir haben uns hier mit 23 Personen zu beschaeftigen, die Schluesselstellungen in einem gigantischen und verwickelten Industrieunternehmen inne hatten. Um diesen Fall zu verstehen, muessen wir einen allgemeinen Ueberblick ueber die Geschichte und den Aufbau des I.G. Farben-Imperiiums gewinnen und verstehen lernen, an welcher Stelle dieser Organisation die einzelnen Angeklagten standen.

A. Historischer Hintergrund

Ungefuehr zur Zeit des Krieges zwischen den Nord- und Suedstaaten Amerikas und waehrend der Zeit, als Bismarck die Einheit Deutschlands herstellte, entwickelten sich in Deutschland, besonders im Rheintal, eine Anzahl Unternehmungen fuer die Erzeugung von synthetischen Farben und einigen wichtigen chemischen Grundstoffen. Mit dem Fortschritt der Wissenschaft wuchsen diese Konzerne in Erfuellung der Beduerfnisse der modernen industriellen Wirtschaft fuer chemische Produkte in sehr schnellem Masse an. Sehr bald wurden viele synthetische Erzeugnisse entdeckt. Die traditionelle deutsche Faehigkeit fuer wissenschaftliche Forschung und Technik zeigte sich in reichem Ausmass in der erfolgreichen Weiterentwicklung dieser Firmen. Bismarck, wie viele andere, erfasste rasch die ungeheure Bedeutung der Chemie fuer die moderne Welt, und die deutsche Regierung trug viel zur Foerderung der chemischen Forschung und der Erweiterung der chemischen Anlagen bei. Das Ergebnis war, dass die deutsche chemische Industrie besonders in der Erzeugung von Farbstoffen und in der chemischen Forschung ihre Rivalen in anderen Laendern weit ueberfluegelte. Der Verwalter des auslaendischen Vermoegens in den Vereinigten Staaten erklaerte im Jahr 1919 in seinem Bericht ueber die chemische Industrie folgendes:¹

Die deutsche chemische Industrie, welche die unsrige so vollkommen durchdrungen und durchtraenkt hatte, war von gigantischem Ausmass, vielleicht die groesste und jedenfalls die eintraeglichste aller deutschen Industrien....

1. Bericht des amerikanischen Verwalters fremden Vermoegens (1919)
S. 25-26.

Ungefäher von der Mitte des 19. Jahrhunderts an begann die praktische Anwendung der chemischen Wissenschaft, die Aufmerksamkeit einer ständig anwachsenden Zahl der besten wissenschaftlichen und industriellen Köpfe Deutschlands in Anspruch zu nehmen. Eine Verbindung von natürlichen Vorteilen und nationalen Charaktereigenschaften führte zu schnellem Aufschwung....

Diese Vorteile wurden in einem Ausmasse ausgenutzt, das in keinem andern Lande nur annähernd erreicht wurde, da von einem verhältnismässig frühen Zeitpunkt an die Wichtigkeit der Forschungsarbeit fuer die praktische Industrie von den Industriellen sowohl als auch den Regierungskreisen klar erkannt wurde. Das Band zwischen dem Fabrikanten und dem Universitätsprofessor wurde immer enger und vollstaendiger. Zur Erfuellung der von den Industriefuehrern angedeuteten Beduerfnisse fuehrten Heere von sich abrackernenden aber nichtsdestoweniger geschickten Chemikern Hunderttausende von Einzelforschungen durch. Die Resultate dieser Bemuehungen gaben den deutschen chemischen Fabrikanten eine staendige Vormachtstellung — sie hatten irgendwie immer einen kleinen Vorsprung vor ihren Konkurrenten in den andern Laendern hinsichtlich neuer Verfahren und Erzeugnisse.

Die technische Verflochtenheit in der synthetischen Farbenindustrie, speziell der unvermeidliche Anfall von zahlreichen Beiprodukten, fuer die man immer praktische Verwendungsmoeglichkeiten suchte, hatte ein bedeutendes Aufbluehen der chemischen Forschung und die Ausdehnung dieser Industrien in andere Branchen zur Folge. Medikamente und Duongemittel wurden zur gleichen Zeit mit den Farbstoffen entwickelt. In ihren Anfängen war dieses Geschaeft allerdings ziemlich friedlich; es versorgte den Bauern und den Arbeiter mit ihrem Arbeitmaterial und den Drogisten mit seiner Handelsware.

Ungefäher gegen Ende des 19. Jahrhunderts entwickelte sich bei den verschiedenen grossen deutschen chemischen Fabriken eine starke Tendenz, sich in Ringen oder Kartellen zusammenzuschliessen, um den Markt und die Preisbedingungen zu kontrollieren und ihre gemeinsamen Interessen im Exporthandel zu schuetzen. Der hauptsaechlichste Befuerworter dieser Politik war der beruehmte Karl Duisberg, einer der Begruender der I.G. Farben, der damals an der Spitze der bedeutenden Firma Bayer in Leverkusen stand. Im Jahre 1904 drängte Duisberg darauf, dass die gesamte deutsche chemische Industrie in einem Kartell zusammengeschlossen werden solle, indem er sagte:

Die gegenwaertige Vorherrschaftstellung der deutschen chemischen Industrie, speziell der Farbstoff-Industrie gegenueber der uebrigen Welt, waere dann meiner Meinung nach gesichert.

Im Jahre 1904 gelang es Duisberg, die ersten Grundsteine zu dem festgefügtten chemischen „Reich“ zu legen, dem „Staat im Staate“, den wir als die I.G. Farben kennen. Duisbergs Firma verband sich mit der genau so mächtigen Badischen Anilin- und Soda-Fabrik in Ludwigshafen, die von dem geistvollen und erfindungsreichen Karl Bosch geleitet wurde. Um ihre Stellung gegenüber den anderen deutschen chemischen Firmen zu stärken, wurde ein 50-jähriges Abkommen abgeschlossen, auf Grund dessen ihre beiden Firmen und eine dritte wichtige Berliner chemische Firma, die Agfa, ihre „Gewinne zusammenlegten. Etwa zur gleichen Zeit bewirkten drei andere wichtige chemische Konzerne in und bei Frankfurt/Main einen engen Zusammenschluss. Zwischen 1904 und 1915 schlossen diese beiden Einzelgruppen gemeinsame Abkommen ab, die die Konkurrenz auf verschiedenen Gebieten der Farbstoff-Industrie und anderen chemischen Gebieten regelte. Diese Bemühungen stellten den ersten Schritt in der Entwicklung der I.G. Farben dar und legten den Grund für engere Beziehungen zwischen den Gruppen in der Zukunft. Durch Abkommen, durch die die inländische Konkurrenz ausgeschaltet wurde und auf Grund derer diese beiden Gruppen sich gegenseitig ihre Erfahrungen und Hilfsquellen zur Verfügung stellten, erlangten sie sofort eine vorherrschende Stellung unter den organischen Farbstoff-, pharmazeutischen und chemischen Industrien in der Welt.

Der erste Weltkrieg brachte die Durchführung dieses Konzentrationsprozesses beschleunigt zu seinem logischen Abschluss. Im Jahre 1916 einigten sich die sechs Gesellschaften der beiden ursprünglichen Gruppen mit zwei weiteren chemischen Firmen, von denen eine vom Vater des angeklagten Ter Meer geleitet wurde. Dieses ungeheure Kartell wurde unter dem Namen Interessengemeinschaft der Deutschen Teerfarbenindustrie bekannt. Alle Firmen dieser Gruppe, die kurz „I.G.“ genannt wurde, kamen überein, ihre Gewinne in einem bestimmten Verhältnis zu teilen. Obgleich I.G. Farben erst im Jahre 1925 eine Rechtsperson im gesetzlichen Sinn wurde, wurde sie praktisch schon im Jahre 1916 ein einheitliches industrielles Reich.

Die beherrschende Stellung, welche die I.G. im Auslande erzielte, kam fast ihrer vollkommenen Beherrschung der deutschen Industrie gleich. Die führende Position der I.G. auf den chemischen Weltmärkten wurde zum Teil erzielt und aufrecht erhalten durch die anerkannte Fachigkeit und den Fleiss der deutschen Chemiker, zum Teil durch rücksichtslose Konkurrenzmethoden. Die Geschichte der Tätigkeit der I.G. im Auslande vor und während des ersten Weltkrieges und ihre hartnäckigen Anstrengungen, ihre führende Stellung in der Welt ^{trotz} der britischen Blockade beizubehalten, ist fesselnd und aufschlussreich. Das deutsche Unterseeboot "Deutschland" brachte auf seinen zwei Fahrten nach den Vereinigten Staaten während des Krieges in der Hauptsache Farbstoffe und Farben-Grundstoffe. Wir haben jedoch im Augenblick keinen Anlass, auf diese Umstände einzugehen, wir möchten nur vermerken, dass die Enthüllungen des Verwalters des feindlichen Vorgesangens im Jahre 1919 einwandfrei das Bestehen einer sorgfältig geleiteten chemischen Politik Deutschlands erwiesen, die auf die Weltbeherrschung der organischen chemischen Industrie gerichtet war, die die militärische Schlagkraft anderer Länder beeinträchtigte und die militärischen Hilfsquellen Deutschlands beträchtlich verstärkte.¹ Es wurde zur Genüge dargelegt, dass die deutsche chemische Politik darauf hinsah, die Entstehung starker organisch-chemischer Industrien zu verhindern.²

Zum Verständnis der aufeinanderfolgenden Ereignisse ist die Tatsache von entscheidender Bedeutung, dass während dieser Periode, in der sich die I.G. entwickelte und die Führerschaft der deutschen Chemiker am meisten in Erscheinung trat, die chemische Industrie in zunehmendem Masse für Kriegszwecke an Bedeutung gewann. Nitrats waren ein wichtiger Bestand in der Herstellung von Sprengstoffen, und seit vielen Jahren war Chile-Salpeter die wichtigste Quelle für Nitrats gewesen. Schon um die Jahrhundertwende waren sich die deutschen Sprengstoff-Fabrikanten der Gefahr bewusst geworden, dass Deutschland in einem zukünftigen Kriege von der Zufuhr von Chile-Nitrat abgeschnitten werden könnte und damit vom

1. The Riddle of the Rhine (1921) by Victor Lefebvre, Seite 183.

2. Report of U.S. Alien Property Custodian (1919), Seite 30-37.

wichtigsten Rohmaterial fuer die Munitionsherstellung: Man begann Forschungen, und im Jahre 1913 entdeckte Fritz Haber eine Methode zur Gewinnung von Stickstoff aus der Luft. Unter Benützung von Habers Entdeckung entwickelte Carl Bosch sofort ein Verfahren zur Herstellung von synthetischen Nitraten, und seine Firma (Badische) begann die Herstellung von Sprengstoffen, indem er diese synthetischen Nitate benutzte, die Deutschland von chilenischen Rohmaterialien unabhängig machten. Die entscheidende Wichtigkeit des Haber-Bosch Stickstoff-Verfahrens fuer die deutsche Kriegsmaschine im ersten Weltkrieg kann nicht unterschätzt werden. In seinen Lebenserinnerungen enthaelt Carl Duisberg:

..... der deutschen Pulver- und Sprengstoff-Industrie fehlte der fuer Pulver- und Sprengstoffherstellung unentbehrliche Rohstoff, der nur aus dem Auslande zu beziehende Salpeter. Schon im Herbst 1914 hatte sie davon kein Kilo mehr. Sie war daher voellig auf die Bestände der Chemie und der Landwirtschaft angewiesen. Aber auch diese Vorräte reichten nur bis Mitte 1915. Dann waren wir ganz am Schluss, dann waren wir endgueltig verloren. Da haben wir, die deutschen Chemiker, eingegriffen und alles daran gesetzt, was wir konnten, um diesen fruehzeitigen Zusammenbruch zu verhindern. Im Wettlauf mit der furchtbaren Maschinerie des Krieges gelang es Haber und Bosch, den Salpeter synthetisch herzustellen.

Der zweite bemerkenswerte Beitrag der deutschen chemischen Industrie war natuerlich Giftgas. Ein seltsam prophetisches Buch, das im Jahre 1921 geschrieben wurde, enthaelt eine erschoepfende und tief-schuerfende Analyse des fast ueberwaeltigenden Vorsehungs und Vorteils, den die Deutschen im Gebrauch dieser Stoffe waehrend des ersten Weltkrieges besaessen.¹ Chlorid, Yperit und spaeter Senfgas wurden von den I.G.-Chemikern entwickelt und in den I.G.-Fabriken hergestellt. Die Folge war eine Erregung der Weltmeinung, die zum ersten Male eine allgemeine oeffentliche Erkenntnis von der enormen strategischen Wichtigkeit der chemischen Industrie mit sich brachte. Es war kein Zufall, dass im Jahre 1916, als General Ludendorff zwei hervorragende Fuehrer der deutschen Industrie bat, ihn in "seinem Zug zu besuchen", um die Kriegsproduktion zu besprechen, die zwei eingeladenen Maenner Gustav Krupp von Bohlen und Carl Duisberg waren.² Und Praesident Wilson in seiner Botschaft an den

1. The Middle of the Rhine (1921) by Viktor Lefebure, Liaison Officer between Britain and the other Allies on chemical warfare and kindred questions.

2. Ludendorff's Own Story, by Erich von Ludendorff, Bd. I, Seite 326.

Kongress der Vereinigten Staaten im Jahre 1919 wies darauf hin, dass:¹

Unter den Industrien, denen besondere Aufmerksamkeit zugewandt werden sollte, ist die der Herstellung von Farbstoffen und verwandten Chemikalien. Infolge unserer vollkommenen Abhängigkeit von deutschen Lieferungen vor dem Kriege wurde die Unterbrechung des Handels zu einer Ursache ausserordentlicher wirtschaftlicher Störungen. Die enge Verbindung zwischen der Herstellung von Farbstoffen einerseits und von Sprengstoffen und Giftgasen andererseits hat ausserdem dieser Industrie ausserordentliche Bedeutung und Wert verliehen. Obgleich die Vereinigten Staaten gerne und ohne Zögern dem Programme internationaler Entwaffnung beitreten werden, gebietet nichtadestoweniger die einfachste Klugheit die Aufrechterhaltung von vielen grossen und gut ausgerüsteten chemischen Fabriken. Die deutsche chemische Industrie, mit der wir in Wettbewerb treten werden, war und kann auch wieder ein unverknüpftes Monopol werden, deren Wettbewerb einen besonders heimtückischen und gefährlichen Charakter anzunehmen instande ist.

B. Die Bildung der I.G. Farbenindustrie Aktiengesellschaft (1925-26).

Deutschland verlor den ersten Weltkrieg, die I.G. in Deutschland aber ging grösser und mächtiger als je daraus hervor. Sie hatte jetzt grosse neue Kapitalanlagen, die die deutsche Regierung während des Krieges finanziert hatte, und die Führer der I.G. bereiteten bald ihre Pläne vor, wieder auf dem Weltmarkt aufzutreten und ihre führende Stellung auf dem Gebiete der Chemie wieder in Anspruch zu nehmen. Auf der anderen Seite hatten die Kriegsnöthigkeiten eine schnelle Entwicklung der chemischen Industrie in England, den Vereinigten Staaten und anderwärts herbeigeführt, und die Stellung der I.G. in Ueberec war sicherlich nicht so beherrschend wie vor dem Kriege. Die internationale Konkurrenz verschärfte sich, und die deutschen Chemie-Herren beschlossen, einen engeren Zusammenschluss ihrer Reihen herbeizuführen.

Im Jahre 1925 kam es schliesslich zu einem Abkommen betreffs eines Zusammenschlusses aller die "Interessengemeinschaft" bildenden Firmen. Carl Boschs Firma (Badische) sendete ihren Namen um in "I.G. Farbenindustrie Aktiengesellschaft" und verlegte ihren Hauptsitz nach Frankfurt. Wie in Anhang B der Anklageschrift auseinandergesetzt ist, gingen fünf andere Firmen, die vorher Mitglieder des Kartells gewesen waren, in der I.G. Farbenindustrie auf und schufen dadurch eine riesige Einzelgesellschaft. Die zwei übrigen Kartellfirmen wurden damals nicht formell ein-

1. Botschaft des Präsidenten der Vereinigten Staaten an beide Häuser des Kongresses zu Beginn der erst. Sitzungsperiode des 66. Kongresses vom Jahre 1919, Seite 8.

bezogen, der I.G. gehörten über je 90 % des Aktienkapitals der beiden Firmen. Im Jahre 1926 wurde der Zusammenschluss formell erklärt. Das Handbuch der deutschen Aktiengesellschaften erklärte lakonisch aber bereits, dass die acht ursprünglichen "Stamm-Firmen" mit Rücksicht auf die grösseren Zukunftsaufgaben der deutschen chemischen Industrie ihre Einzelpersönlichkeit freiwillig aufgegeben hätten.¹ Carl Duisberg wurde zum Vorsitzenden des Aufsichtsrats der I.G. Farben und Carl Bosch zum Vorsitzenden des Vorstands ernannt.

Das Jahr 1926 sah auch den Beginn einer sehr engen und besonderen Verbindung zwischen der I.G. Farben und der deutschen Sprengstoffindustrie. Die beiden hauptsächlich deutschen Sprengstoff-Fabrikanten während des ersten Weltkriegs waren die wohlbekannten Firmen Dynamit-Nobel (DAG genannt) und Koeln-Rottweil. Sie hatten mit dem Farbensyndikat während des Krieges in enger Verbindung gestanden, dadurch dass Carl Boschs Firma den zur Herstellung von Sprengstoffen nötigen synthetischen Stickstoff lieferte. Nach dem Krieg kamen für die Sprengstoff-Fabriken schwere Jahre, und Koeln-Rottweil verkaufte der DAG ihre Schiesspulveranlagen.

Im Jahre 1926 schlossen die I.G. Farben und DAG ein Abkommen, das die Sprengstoffgesellschaft der I.G. Farben vollständig auslieferte. Die DAG behielt zwar ihre eigene Rechtspersönlichkeit, unterstand aber der Leitung der I.G., welche eine Dividendengarantie für die Aktien der DAG übernahm. Vorstand der DAG war Paul Ischler, Schwager des Angeklagten Schmitz, Mitglied des Aufsichtsrats der I.G. Farben und häufiger Besucher von wichtigen Sitzungen der leitenden Ausschüsse der I.G. Farben. Die Angeklagten Schmitz und Gajewski saassen im Aufsichtsrat der DAG. Von 1926 an war die DAG praktisch gesprochen ein Teil des chemischen Herrschaftsbereichs der I.G., und als die Nazis im Jahre 1933 zur Macht kamen, spielte die I.G. eine beherrschende Rolle in der Munition- und Sprengstoffherzeugung.

G. Der Aufbau der I.G. Farben

So entstand der ungeheure und verwinkelte Industriekomplex der I.G. Farben, dessen Umrisse in grossen Zügen auf der Tafel an der Wand des

¹ Artikel über die I.G. Farben im Handbuch der Deutschen Aktiengesellschaften, 1938, Bd. IV, Seite 5265.

Gerichtssaales verzeichnet sind. Die Gesamtauf sicht und Leitung lag, wie man sehen kann, in den Händen von zwei Ausschüssen, die als Aufsichtsrat bzw. Vorstand bekannt sind. Die ihnen unterstehenden zwei Hauptgruppen waren der technische und kaufmännische Ausschuss. Die Produktion war sachlich in den drei "Sparten" und geographisch in den fünf "Strichgemeinschaften" organisiert, die unter dem technischen Ausschuss angeführt sind. Auf der kaufmännischen Seite wurden die Verkäufe von verschiedenen Gruppen von Erzeugnissen hauptsächlich von den vier "Verkaufsgemeinschaften" geleitet. Die Gleichrichtung zwischen technischen und Handelsangelegenheiten wurde nicht nur durch den Vorstand erzielt, sondern auch weiter unten in den drei "Gemischten Ausschüssen" für Farben, Chemikalien und pharmazeutische Produkte. Eine Anzahl anderer Abteilungen und Ausschüsse, die auf der rechten Seite der Tafel angeführt sind, bearbeiteten verschiedene Spezialgebiete, wie z.B. rechtliche, Patent-, Informations- und Propaganda-Angelegenheiten.

1. Aufsichtsrat und Vorstand

Nach dem deutschen Gesellschaftsrecht werden alle Aktiengesellschaften von einem Aufsichtsrat und einem Vorstand geleitet. Als die I.G. Farben Aktiengesellschaft im Jahre 1926 gegründet wurde, wurden die Aufsichtsratsmitglieder aus die meisten Vorstände mit lieder aller Stammgesellschaften mit lieder des Farbaufsichtsrates oder Vorstände.

Ganz allgemein gesprochen, bestanden die Aufgaben des Aufsichtsrates darin, die Gesamtleitung der Gesellschaft zu überwachen, während die Leitung von Tag zu Tag in den Händen des Vorstandes lag. Die Funktionen des Farben-Aufsichtsrates waren im grossen und ganzen nicht sehr tiefgehend; er trat drei- oder viermal im Jahre zusammen, um den Bericht des Vorstandes entgegen zu nehmen und auf dem Papier war er für die Wahl der Vorstandsmitglieder verantwortlich. Aber den Ansichten des Vorstandes hinsichtlich seiner eigenen Mitgliedschaft schloss sich der Aufsichtsrat im allgemeinen an und es ist kein wichtiger Fall bekannt, wo der Aufsichtsrat sich der Politik des Vorstandes widersetzt, oder unabhängig die Initiative ergriffen hatte.

- Die Mitgliedschaft im Aufsichtsrat war infolgedessen hauptsächlich eine Mitgliedschaft ehrenhalber, aber einzelne Mitglieder konnten auf Grund ihres eigenen Formats und Ansehens grossen Einfluss ausüben. Der Posten des Aufsichtsrats-Vorsitzenden war ständig von einem der grossen Persönlichkeiten in der Geschichte der I.G. Farben besetzt. Carl Duisberg war Vorsitzender von der Zeit an, wo die I.G. im Jahre 1926 ins Leben trat bis zu seinem Tode im Jahre 1935. Sein Nachfolger war Carl Bosch, eine weitere uebertragende Persönlichkeit und ein berühmter Techniker, der Vorsitzender des Vorstands war und der bis zu seinem Tode im Jahre 1940 Vorsitzender des Aufsichtsrates blieb.

Vom Jahre 1940 an bis zum deutschen Zusammenbruch war der Angeklagte Karl Krauch, der früher ein führendes Mitglied des Vorstandes war, Vorsitzender des Aufsichtsrates. Krauch, der mit Goering im Vierjahresplan enger zusammenarbeitete, wurde im Jahre 1938 Reichsgeneralbevollmächtigter fuer besondere chemische Fragen. Krauch personifizierte die enge Zusammenarbeit mit den politischen Fuehrern des Dritten Reiches und seine Ernennung unterstrich die intime Zusammenarbeit zwischen I.G. und der Regierung.

Nach dem Zusammenschluss im Jahre 1926 bestand der Farben-Vorstand aus ungefaehr 80 Mitgliedern oder stellvertretenden Mitgliedern. Da diese Anzahl fuer eine rationelle Leitung viel zu gross war, wurde ein Arbeitsausschuss mit ungefaehr 26 Mitgliedern gebildet. Im Jahre 1937 wurde das Aktienrecht abgeändert. Danach wurde die Mitgliedschaft im Vorstand auf 27 Personen herabgesetzt. Die meisten der Mitglieder wurden aus dem Arbeitsausschuss genommen. Der Arbeitsausschuss wurde aufgelöst.

Nach den Satzungen der I.G. leitet der Vorstand die Geschaeft der Gesellschaft. Der Gesamtvorstand war ungefaehr einmal im Monat einzuberufen. Es war fernerhin vorgesehen, dass "bei diesen Konferenzen jedes Vorstandsmitglied einen Bericht ueber die Angelegenheit einzureichen habe, die als genehmigungsbeduerftig seitens des Vorstandes bezeichnet wurde. Es ist ebenfalls die Pflicht jedes Vorstandsmitgliedes, solche Angelegenheiten vorzubringen, deren Kenntnis fuer die uebrigen Vorstandsmitglieder von Wichtigkeit ist, besonders da sie die allgemeine Uebersicht ueber die

Geschäftslage erleichtern moegen. In der Regel sollte ein Vorstandsmitglied dem Gesamtvorstand zur Entscheidung vorlegen "alle" besonders wichtigen Angelegenheiten, die den Rahmen des laufenden Geschäftes ueberschreiten. Unter den Angelegenheiten, die den Rahmen des laufenden Geschäftes ueberschreiten, waren aufgefuehrt: die Errichtung oder der Erwerb von neuen Fabrikations- und Verkaufseinrichtungen innerhalb Deutschlands und im Auslande, Verkauf oder Einschränkung von Fabriken, Erwerb oder Aufgabe von Beteiligungen an anderen Unternehmungen, Erwerb und Veräusserung von Patenten, Lizenzen und Fabrikationsgeheimnissen und den Abschluss, Verlängerung und aufhebung von Kartellen, Syndikaten und Interessengemeinschaftsabkommen. Es war einem Einzelvorstandsmitglied erlaubt, selbständig beim Abschluss einer Angelegenheit ohne Vorstandsgenehmigung zu handeln, falls sonst schwere Nachteile drohen. Bei der nächsten Gesamtvorstandssitzung jedoch musste die Angelegenheit zur Genehmigung vorgelegt werden. Gewisse interne Personalangelegenheiten wurden von einem "Zentral-ausschuss" des Vorstandes bearbeitet, der aus acht führenden Mitgliedern bestand.

Alle noch lebenden Mitglieder des Farben-Vorstandes nach dem Jahre 1937 sind in der Anklageschrift genannt, mit Ausnahme eines einzigen, der im Jahre 1943 in den Ruhestand trat und dessen Gesundheitszustand sehr labil ist. Mit Ausnahme der vier Namen am Ende der Liste waren alle 24 angeklagten Mitglieder des Vorstandes. Vorsitzender des Vorstandes war von 1935 bis zum Kriegsende der Angeklagte Schmidt.

Wie aus der Tafel ersichtlich, fungierte der Vorstand mit Hilfe zahlreicher Ausschüsse, Abteilungen und anderer besonderer Stellen, und die Vorstandsmitglieder hatten die führenden Stellungen in diesen inne. Diese Aufgaben der Vorstandsmitglieder koennen im allgemeinen als "technisch" oder "kaufmännisch" bezeichnet werden; diese Bezeichnungen sind etwas willkuerlich gewählt und ueberschneiden sich, sie wurden aber von den Angeklagten gebraucht und werden als ungefähre Richtlinie dienen.

2. Technische, kaufmännische und andere Ausschüsse und Bueros

Der technische Ausschuss (allgemein mit TEA bezeichnet) setzte sich aus den technischen Leitern der I.G. zusammen, einschliesslich der hauptsächlichen Fabrikleiter und führenden Ingenieure. Nach den Satzungen hatte der TEA äusserst wichtige Funktionen; sein Arbeitsgebiet umfasste alle technischen und wissenschaftlichen Fragen, und alle Bewilligungen fuer den Betrieb oder fuer die Ausdehnung des Geschaeftes wurden vom TEA geprueft, bevor sie dem Vorstand vorgelegt wurden. Der Angeklagte Ter Meer war Vorsitzender des TEA von Jahre 1932 bis zum deutschen Zusammenbruch, und elf andere Angeklagte waren eine geraume Zeit lang Mitglieder des TEA. TEA hatte zahlreiche Hilfsausschuesse, wovon der wichtigste die "Technische Kommission" (TEKO) war, die von dem Angeklagten Jaehne geleitet wurde. TEKO bearbeitete allgemeine technische Probleme, und alle Ausgaben fuer technische Zwecke wurden zuerst von der TEKO geprueft, bevor sie vom TEA bearbeitet wurden.

Unter dem TEA wurde die technische Organisation geographisch und sachlich aufgeteilt. Nach dem Zusammenschluss im Jahre 1926 wurden die verschiedenen I.G.-Fabriken zum Zwecke einer gleichgerichteten Leitung geographisch gruppiert. Dies hatte die Bildung der fuenf Betriebsgemeinschaften zur Folge, deren Namen schon ihre geographische Grundlage aufzeigten. Die Betriebsgemeinschaft "Oberrhein" unter der Leitung des Angeklagten Arster umfasste die riesigen Werke der "Badischen" in Ludwigshafen. Die Betriebsgemeinschaft "Mittelrhein" (später "Maingau" genannt), deren Leiter der Angeklagte Lautenschlaeger und stellvertretender Leiter Jaehne war, umfassten die Fabriken in und bei Frankfurt/Main. Der Angeklagte Kuehne leitete die Betriebsgemeinschaft "Niederrhein" in Leverkusen und anderen Industriestaedten des Ruhrgebietes. Der Angeklagte Buergin war Leiter der Betriebsgemeinschaft "Mitteldeutschland" mit ihrem Hauptwerk in Bitterfeld. Im Jahre 1929 wurde eine fuenfte und kleinere Betriebsgemeinschaft geschaffen, die "Betriebsgemeinschaft Berlin" genannt wurde, obgleich ihre Fabriken weit zerstreut waren.

Die einzelnen Fabriken in diesen Betriebsgemeinschaften bildeten die Basis der Organisations-Pyramide. Die wichtigeren Fabriken wurden von einem oder mehreren Vorstandsmitgliedern geleitet oder direkt überwacht. So finden wir z.B. Würster und Ambros in Ludwigshafen, Lautenschläger und Jaenne in Hoechst, Kuehne und Brueggemann in Leverkusen, Buergin in Bitterfeld, Hoerlein in Elberfeld und Gajewski in Wolfen-Pilm.

Gegen Ende des Jahres 1929 nahm die I.G. zur Erzielung einer wirtschaftlicheren Arbeitsweise und einer staerkeren Zusammenfassung in der Produktionsleitung auf der technischen Seite eine groessere Reorganisation vor. Der Gesamtbetrieb wurde in drei fachliche Gruppen nach Massgabe der hergestellten Erzeugnisse aufgeteilt. Jede dieser drei leitenden Gruppen wurde eine "Sparte" oder "Hauptgruppe" genannt.

Sparte I umfasste Stickstoff, Methyl-Alkohol, Benzin und andere synthetische Treibstoffe und Kohle. Die riesige synthetische Benzinanlage in Leuna und die Stickstoffanlage in Oppau waren die hauptsaechlichsten Bestandteile der Sparte I, die bis zum Jahre 1938 von dem Angeklagten Krauch und danach von dem Angeklagten Schneider geleitet wurde. Sparte II, weitaus die groesste und vielseitigste, fasste die Erzeugung von Farbstoffen, organischen und anorganischen Chemikalien, pharmazeutischen Produkten, Leichtmetallen, Buna und einer Unzahl anderer Erzeugnisse zusammen. Die wichtigsten Arbeiten in Ludwigshafen, Frankfurt/Main und im Ruhrgebiet wurden von der Sparte II geleitet. Der Angeklagte Torp war ihr Chef. Sparte III war viel kleiner und befasste sich hauptsaechlich mit photographischem Material, Kunstfasern und Cellophan.

Es ist wichtig, noch von einer anderen I.G.-Stelle auf der technischen Seite der Tafel Kenntnis zu nehmen. Es ist dies die Vermittlungsstelle W (Verbindungsstelle Wehrmacht), die im Jahre 1935 als eine Verbindungsstelle zwischen der I.G. und der deutschen Wehrmacht geschaffen wurde. Der Angeklagte Krauch war mehr oder weniger ihr Schoepfer. Krauch war damals der Leiter von Sparte I, und synthetisches

Benzin und Nitrate waren von besonderer militärischer Wichtigkeit. Später nahmen die anderen beiden Sparten an der Arbeit der Vermittlungsstelle teil, was den Zweck hatte, wie die Akten der I.G. vom Jahre 1935 dartun, "eine straffe Organisation fuer Aufrüstung innerhalb der I.G. zu schaffen".

Auf der kaufmännischen Seite finden wir, dass die Mehrzahl der I.G. Produkte durch die vier "Verkaufsgemeinschaften" fuer Farbstoffe, Chemikalien, pharmazeutische Produkte und photographisches Material und Kunstfasern vertrieben wurden. Nitrate, synthetische Treibstoffe und gewisse andere Grossprodukte wurden hauptsächlich durch Syndikate und andere Vertriebsorganisationen verkauft. Der Angeklagte Schnitzler hatte die Leitung des Farbstoffvertriebs und nach dem Jahre 1943 auch von Chemikalien. Der Angeklagte Mann leitete die Verkaufsgemeinschaft Pharmazeutika und der Angeklagte Oster die Verkaufsgemeinschaft fuer Stickstoffe. Die Gleichrichtung zwischen Absatz und Produktion wurde, wie schon angedeutet, nicht nur innerhalb des Vorstandes erzielt sondern auch weiter unten in den drei sogenannten "Gemischten Ausschüssen". Der Angeklagte von Schnitzler leitete den Farben-Ausschuss und nach 1943 den Chemischen Ausschuss; der Angeklagte Hoerlein war Leiter der Pharmazeutischen Hauptkonferenz.

Als Gegenstück zum Technischen Ausschuss (TEA) und zur Sicherung der Gleichrichtung in allen geschäftlichen Angelegenheiten wurde im August 1937 der Kaufmännische Ausschuss (KA) geschaffen, der darauf eine der wichtigsten richtungsgebenden Gruppen innerhalb der I.G. wurde. Der KA und der TEA trafen gewöhnlich am Tage vor den Vorstandssitzungen zusammen, und ihre Vorschläge wurden dem Vorstand unterbreitet. Der Angeklagte Schnitzler war der Vorsitzende des Kaufmännischen Ausschusses, und sechs andere Angeklagte waren gewöhnliche Mitglieder.

Eine solche ausgedehnte Gesellschaft wie die I.G. benoetigte natuerlich verschiedene zentrale Verwaltungs-abteilungen, wie z.B. fuer die Buchhaltung, Versicherung und Steuern. Nur drei davon bedurften hier der Erwäh-

nung. Die meisten Fabriken und Werksgemeinschaften der I.G. hatten ihre eigenen Rechts- und Patentabteilungen, aber ihre Arbeit wurde von zwei Vorstandsausschüssen koordiniert, dem Rechtsausschuss und der Patentkommission. Der Angeklagte von Knieriem war der Vorsitzende von beiden.

Endlich wurden eine beträchtliche Anzahl von Bueros, die in einem besonderen Stadtteil von Berlin gelegen waren, lose unter dem Namen "Berlin NW 7" zusammengefasst. Der Angeklagte Ilgner hatte die Leitung der meisten dieser Berliner Bueros und befasste sich hauptsächlich mit Informationsdienst und Propaganda, die in der wirtschaftlich-politischen Abteilung (gewöhnlich WPO genannt) und in einer ausgewählten volkswirtschaftlichen Forschungsabteilung (als WOFI bekannt) bearbeitet wurden. Die Angeklagten Gattineau und von der Hayde waren wichtige Persönlichkeiten in der WPO.

Jeder der Angeklagten hatte also eine Schlüssellstellung im organisatorischen Aufbau der I.G.. Die Angeklagten Krauch und Schnitzler leiteten die beiden höchsten Organe des gesamten Komplexes. Von den anderen Vorstandsmitgliedern waren elf, mit dem Angeklagten Ter Meer an der Spitze, hauptsächlich technische und Produktionsfachleute. Sie waren Mitglieder des Technischen Ausschusses, Leiter der Sparten und Betriebsgemeinschaften und Fabrikleiter. Sechs weitere, mit dem Angeklagten Schnitzler an der Spitze, waren hauptsächlich Kaufleute, und einer, von Knieriem, erster Syndikus der Gesellschaft.

Von den vier Angeklagten, die nicht Vorstandsmitglieder waren, waren Gattineau und von der Hayde führende politische Vertreter der I.G. Kugler war Mitglied des kaufmännischen Ausschusses und hatte den Farbstoff-Vertrieb in Osteuropa unter sich. Duerrfeld war Direktor und Bauleiter der I.G.-Fabrik in Auschwitz.

D. Die I.G. im Jahre 1932

Bevor wir zu den Beschuldigungen in der Anklageschrift übergehen, wird es der Mühe wert sein, einen Augenblick bei einem Überblick über die I.G. im Anfang der Dreissiger Jahre, kurz vor dem Beginn des Dritten Reiches zu verweilen. Sie war der grösste chemische Konzern der Welt - direkt oder indirekt bei ungefähr 400 deutschen Gesellschaften und 500

ausländischen Unternehmen beteiligt, mit den grössten und modernsten Stab von Wissenschaftlern und Technikern. In den Worten des Angeklagten von Schnitzler:

Wenn man versucht, die I.G. mit der übrigen chemischen Industrie in Europa zu vergleichen, sollte man niemals vergessen, dass die Stammhäuser der I.G., die den Zusammenschluss im Jahre 1925 vollzogen, selbst schon bei weitem die grössten Unternehmen auf dem chemischen Gebiet in Deutschland waren. Es war stets fuer die deutsche chemische Industrie charakteristisch, dass auf der einen Seite dieses ungeheure Konglomerat industrieller Macht, die I.G., stand und auf der anderen Seite eine ausserordentlich grosse Zahl kleinerer Unternehmungen ueber das ganze Land verteilt. Nicht nur wurden neue Erfindungen von hervorragender Bedeutung praktisch allein von der I.G. gemacht, und Forschungsarbeiten grossen Ausmasses ausschliesslich von der I.G. vorgenommen, sondern die wirkliche Bedeutung der I.G. in ihrer Eigenschaft als Lieferant aller Grundprodukte fuer andere chemische Industrie war sogar noch grosser. Wenn man die ueberwältigende Stellung der I.G. auf dem Gebiet der photographischen Erzeugnisse und die grosse Vorherrschaft auf dem Stickstoff-Gebiet als Ganzes beruecksichtigt, muss man sagen, dass deutsche Chemie und die I.G. weithin ein und dasselbe sind.

Die Fabriken und Techniker der I.G. waren eine der beiden grossen industriellen Hilfsquellen Deutschlands; die andere waren die Kohlen-Bergwerke und Stahlwerke im Ruhrgebiet. Es ist kein Zufall, dass Ludendorff mit Duisberg und Krupp von Bohlen verkehrte und der beruehmte deutsche Staatsmann Stroschmann stellte einmal an den Angeklagten von Schnitzler die rhetorische Frage: "Was habe ich fuer Truempfe in meinen Haemden, ausser Ihnen, der I.G. und den Kohlenleuten?" Carl Duisberg spielte eine fuehrende Rolle bei der Schaffung des sich auf das ganze Reich erstreckenden Verbandes der Industriellen, des Reichsverbandes der Deutschen Industrie, dessen Vorsitz gewoehnlich Maenner der I.G. oder von Krupp fuehrten. Die Beziehungen zwischen der I.G. und der Schwerindustrie im Ruhrgebiet waren sichtlich enge; die I.G. besass Kohlenbergwerke und einen Aktienanteil an den grossen Stahlwerken, und der angeklagte Schmitz sass im Aufsichtsrat des ungeheueren deutschen Stahlkonzerns, den Vereinigten Stahlwerken.

Aber die deutschen Eisenbarone haben niemals die restlose Einigkeit erreicht, die die chemischen Fuehrer durch den I.G. Zusammenschluss erzielten, und es kann kein Zweifel darueber bestehen, dass die I.G. der maechtigste industrielle Einzelkonzern in Deutschland, ja in Europa war.

Die gesamte Produktion Deutschlands an Magnesium, Nickel, Methylalkohol und synthetischem Gummi und fast allen Farbstoffen stammte von ihr. Sie produzierte den Hauptteil von Deutschlands Stickstoff, synthetischem Benzin und zahlreichen wichtigen Chemikalien. Sie stellte die Hälfte der pharmazeutischen Produkte und über die Hälfte des photographischen Materials Deutschlands her. Sie beherrschte die deutsche Sprengstoffindustrie. Sie erfreute sich der engsten Beziehungen zur deutschen Regierung, schon lange bevor Hitler zur Macht kam; der angeklagte Schmitz arbeitete eng mit dem Reichskanzler Brüning zusammen, und ein anderer Direktor der I.G., Armbold, wurde Wirtschaftsminister.

In den Laboratorien der I.G. wurden erstaunliche Experimente erfolgreich durchgeführt. Neue Erfindungen und Verfahren ergaben sich in einem nie versiegenden Strom. Fast alle davon waren von unschätzbarem tatsächlichen oder potentialen Wert für die Menschheit. Und lange bevor Hitler Herrschaft erlangte, rangen die Männer der I.G. mit zwei Problemen, deren erfolgreiche Lösung Deutschland in weitem Umfange wirtschaftlich zum Selbstversorger und in Kriegzeiten von Einfuhren unabhängig machen würde. Eines derselben war die Erzeugung von synthetischem Gummi, die bis 1932 noch nicht über das Stadium einer aussichtsreichen experimentellen Erzeugung hinausgekommen war.

Das andere jedoch wurde bald nach dem Zusammenschluss im Jahre 1926 dadurch gelöst, dass die I.G. das berühmte Verflüssigungsverfahren vervollkommete, durch das Deutschlands Kohle in Oel, Benzin und andere synthetische Betriebs- und Schmierstoffe umgewandelt werden konnte. Die enorme Bedeutung dieser Entdeckung ist bereits in einem Brief zum Ausdruck gebracht, den Frank Howard, ein führender Mann der Standard Oil Company in New Jersey, damals an ihren Präsidenten Walter Teagle schrieb:

Auf Grund meiner Beobachtungen und heutigen Unterredung bin ich der Ansicht, dass diese Angelegenheit bedeutsam ist, der sich die Gesellschaft seit der Auflösung je gegenübergesehen hat.

1. Der Hinweis bezieht sich wahrscheinlich auf die Auflösung der ursprünglichen Standard Oil Company unter dem amerikanischen Antitrust Gesetz.

Die Badische kann einen hochgradigen Motorboiltreibstoff aus Braunkohle und anderer geringwertiger Kohle in Mengen bis zum halben Gewicht der Kohle herstellen. Dies bedeutet die absolute Unabhängigkeit Europas in der Benzinbelieferung. Eine direkte Preiskonkurrenz ist alles, was uebrig bleibt

Ich werde nicht versuchen, auf irgendwelche Einzelheiten einzugehen, aber ich glaube, dass dies Ihnen eine Vorstellung meiner Geistesverfassung gibt!

Wir betonen diese Umstaende nicht, weil vielleicht irgendwelche sozialen oder wirtschaftlichen Fragen, so wie z.B. ob und welche Grenzen der Groesse von Gesellschaften gezogen werden sollen, in diesem Fall eine Rolle spielen. Sie tun es nicht, aber man muss die Groesse des Herrschaftsgebietes der I.G. und die strategische Wichtigkeit der Verfahren der I.G. erfassen, um die Bedeutung der Ereignisse zu verstehen, die in der von der Anklageschrift erfassten Zeitspanne stattfanden. Die I.G. war Deutschlands groesste industrielle Einzelhilfequelle. Zahllose andere Industrien waren vollkommen von den I.G. Erzeugnissen abhⁿgig. Die Verfahren der I.G. bildeten den Schluessel zu vielen Problemen, die die Wehrmacht zu loesen wuenschte. Die deutsche Wirtschaft haette ohne die I.G. nicht durchhalten koennen, und keine deutsche Regierung koennte es sich leisten, die Zusammenarbeit mit ihr aufzugeben, schon ganz und gar nicht eine Regierung, die beabsichtigte, Deutschlands militaerische Staerke wieder aufzurichten. Alles in allem, die I.G. Fabriken, die I.G. Verfahren und die I.G. Fuehrung waren lebenswichtige Notwendigkeiten fuer Deutschland und die deutsche Regierung, und die Angeklagten waren sich dessen bewusst. Die

Angeklagten waren nicht Leute, mit denen man nach Belieben umspringen konnte.

Und am allerwenigsten wollen wir behaupten, es sei ein Verbrechen zu experimentieren und zu erfinden; ob die Resultate nun Farbstoffe oder Drogen oder synthetische Treibstoffe sind. Die schoepferische Faehigkeit ist des Menschen gottaehnlichste Eigenschaft und einige der Angeklagten besaessen eine hervorragende Begabung. Auf der Anklagebank sitzt Heinrich Hoerlein, der Luminal entdeckte und die Sulfonamiddrogen entwickeln half. Auch Karl Lautenschlager lieferte wertvolle Beitrage zur medizinischen Wissenschaft, und Krauch, Schnieder, Ambros und Gajewski

duerfen viele nützliche Erfindungen auf ihr Konto schreiben. Die Chemiker der I.G. entwickelten Sulfonamid, Atebrin, Aspirin, Pyramidon, Novocain und Salvarsan. Es gereicht den Angeklagten wahrscheinlich zu geringem Trost, jetzt ueber die Tatsache nachzudenken, dass zahllose Entdeckungen, die den Ruhm der I.G. zu verbreiten halfen, das Werk juedischer Wissenschaftler wie z.B. Fritz Haber und Paul Ehrlich waren. Wie dem auch sein mag, es besteht kein Grund dazu, die Tatsache zu verbergen, dass die Menschheit den Farben-Chemikern viel verdankt.

Die Angeklagten waren in der Tat dazu ausersehen, ihr Leben in der wundervollen Welt der Synthese und Transmutation zu verbringen. Man kann nur bedauern, dass diese angekrankenelten Geister nicht damit zufrieden waren, wohltuende Tueren zu wirken sondern es vorzogen, Architekten der Katastrophe zu werden.

ANKLAGEPUNKT 1: DIE I.G. UND DIE SCHAFFUNG DES DRITTEN REICHES.

Bevor wir das Beweismaterial untreissen, das die Anklagebehoerde zu Punkt 1 der Anklageschrift beibringen wird, wird es angebracht sein, eine oder zwei Fragen zu klaren, die andernfalls Anlass zu Missverstaeandnissen geben koennten. Es muss von Anfang an klar gemacht werden, wessen die Angeklagten beschuldigt sind.

Ob diese Angeklagten, einzeln oder in ihrer Gesamtheit, Nationalsozialisten waren oder sich allen Phasen der Nazi-Ideologie verschrieben, ist nicht der Kernpunkt der zur Entscheidung steht. Es ist Tatsache, dass sie praktisch alle Mitglieder der NSDAP waren, aber das ist nicht Gegenstand unserer Beweisfuehrung. Dafeur richten wir sie nicht. Es ist ganz gut moeglich, dass einige der Nazi-Lehren einigen der Angeklagten als Einzelnen persoenlich zuwider waren. Aber die Tatsache, dass einige von ihnen allen Punkten des Nazi-Programms nicht vollkommen sympathisch gegenüberstanden, entbindet sie nicht von der Verantwortung ihrer Handlungen. Die Mitgliedschaft in der NSDAP ist ein, aber auch nur ein Umstand unter vielen anderen, der bei der Feststellung dessen, was die Angeklagten taten, wussten und wollten, in der Planung und Ausfuehrung der Handlungen, deren sie beschuldigt werden, in Betracht zu ziehen ist.

Es ist gleichfalls ganz selbstverständlich, dass diese Männer nicht unter Anklage gestellt wurden, weil sie "Industrielle" sind oder weil sie grosse Macht ausübten und grossen Reichtum besessen haben. Diese Dinge werden von dem Recht, nach dem dieser Gerichtshof Recht spricht, nicht als Verbrechen erklärt, und der Gerichtshof ist kein Forum fuer eine Diskussion ueber die relativen Werte der verschiedenen Wirtschaftssysteme.

Wessen diese Maenner unter Punkt 1 der Anklageschrift beschuldigt sind, ist im Kontrollratsgesetz Nr. 10, Artikel II aufgefuehrt, der als Verbrechen gegen den Frieden in Bann tut:

Das Unternehmen des Einfalls in andere Laender und des Angriffskrieges unter Verletzung des Voelkerrechtes und internationaler Verträge einschliesslich der folgenden, den obigen Tatbestand jedoch nicht erschöpfenden Beispiele: Planung, Vorbereitung, Beginn oder Fuehrung eines Angriffskrieges oder eines Krieges unter Verletzung von internationalen Verträgen, Abkommen oder Zusicherungen, Teilnahme an einem gemeinsamen Plan oder einer Verschwörung zum Zwecke der Ausfuehrung eines der vorstehend aufgefuehrten Verbrechen.

Es besteht ferner keine Veranlassung, in diesem Verfahren, das Beweismaterial und den Nachweis ueber die Ueberfalle und Angriffskriege des Dritten Reiches vorzulegen. Artikel X der Verfassung Nr. 7 der Militaerreorganisation, unter welchem dieser Gerichtshof eingesetzt wurde, sieht vor:

Die Feststellung an des Internationalen Militaergerichtshofes im Urteil des Falles Nr. 1, dass Einfaelle, Angriffshandlungen und Angriffskriege, Verbrechen, Grauseltaten oder unmenschliche Handlungen geplant wurden oder stattfanden, sind fuer die hiermit gebildeten Gerichtshoefe verbindlich und sollen nicht in Frage gestellt werden, ausser, soweit es sich darum handelt, dass eine bestimmte Person an diesen Taten teilgenommen oder von ihnen profitiert hat. Die Erklarungen des Internationalen Militaergerichtshofes im Urteil des Falles Nr. 1 sollen als Beweis fuer vorbrachten Tatsachen dienen, inselange nicht wesentliches neues Beweismaterial fuer das Gegenteil erbracht wird.

Der Ausgangspunkt des Verfahrens unter Punkt 1 ist also die festgestellte Tatsache und das wohlabgewogene Urteil des Internationalen Militaergerichtshofes, dass Deutschland unter dem Dritten Reich Einfaelle und Angriffskriege plante und ausfuehrte. Die Einfaelle und Angriffskriege, auf die sich das Urteil des Internationalen Militaergerichtshofes bezieht, werden in Artikel 2 der Anklageschrift aufge-

fuehrt. Der Umfang, in welchem die Angeklagten von der Vorbereitung fuer und den Beginn von Einfaellen und Angriffskriegen, die geplant waren, und die stattfindenden, wussten oder daran teilnahmen, ist die einzige Frage, die unter Punkt 1 zur Entscheidung steht.

Um die Schuld an der Begehung von Verbrechen gegen den Frieden festzustellen, ist es natuerlich nicht notwendig darzutun, dass die Angeklagten den militaerischen Befehl, der einen Einfall ausloeste, erteilten oder persoenlich den ersten Schuss abfeuerten. Es muss der notwendige Grad des Kausalzusammenhangs mit dem Verbrechen zwecks Feststellung der Schuld der Angeklagten bestimmt werden und zwar im Lichte der anerkannten Grundsatzes des Strafrechts. Artikel II, Abschnitt 2 des Kontrollratsgesetzes Nr. 10 besagt, dass jemand, der in Gesetz Nr. 10 aufgefuehrten Verbrechen fuer schuldig befunden werden soll, wenn er (a) ein Taster oder (b) ein Beihelfer war, oder wenn er (c) durch seine Zustimmung daran teilgenommen hat oder (d) mit seiner Planung oder Ausfuehrung in Zusammenhang gestanden hat, oder (e) einer Organisation oder Vereinigung angehorte, die mit der Ausfuehrung des Verbrechens in Zusammenhang stand. Eine weitere Bestimmung dieses Artikels, die nur fuer Verbrechen gegen den Frieden gilt, nimmt Bezug auf die Inhaber hoher politischer, ziviler oder militaerischer Stellen in Deutschland oder hoher Stellen im deutschen finanziellen, industriellen oder Wirtschaftsleben. Wir glauben, dass diese Bestimmung nicht beabsichtigt, automatisch allen Inhabern hoher Stellen Schuld im Sinne des Strafrechts beizumessen sondern eher, dass berechnete und vernunftig Schluesse aus der Tatsache gezogen werden koennen, dass ein Angeklagter eine solche Stellung innehatte und ihm aufzuehrt, die Schluesse, die andernfalls gezogen werden wuerden, zu widerlegen.

Um die Beschuldigungen unter Punkt 1 zu bekraeftigen, brauchen wir auch nicht nachzuweisen, dass der Endzweck und das letzte Ziel der Angeklagten die Herbeifuehrung eines Kriegszustandes war. Wir bezweifeln, dass der Krieg irgend jemandes Endziel im Dritten Reich war. Das Ziel war

Eroberung. Wir erheben jedoch die Beschuldigung, dass das Dritte Reich gewisse politische, den Angeklagten wohl bekannte Ziele hatte, und dass sie, als sie ihre entscheidende Rolle bei der Wiederbewaffnung Deutschlands spielten, wussten, dass Deutschland wann nötig seine militärische Stärke zu Einfällen oder Angriffskriegen gegenüber seinen Nachbarn gebrauchen würde, um die Ziele des Dritten Reiches zu verwirklichen. Gewalt war das Hauptinstrument seiner auswärtigen Politik. Auf die Tatsache, dass die Angeklagten oder andere Teilnehmer an diesen verbrecherischen Handlungen gehofft haben moogen, dass ihre Ziele durch Gewaltandrohung erreicht werden könnten anstatt durch einen Krieg, können sie sich ebensowenig als Verteidigung berufen wie ein Einbrecher oder Räuber darauf, dass er es bedauerlicherweise für notwendig befunden habe, sein Opfer zu ermorden, um sich in den Besitz der Beute zu setzen.

Der Ursprung der Verbrechen, deren die Angeklagten beschuldigt sind, kann viele Jahre zurückverfolgt werden, aber für den vorliegenden Zweck kann ihr Beginn in das Jahr 1932 verlegt werden, als Hitler sich zu einer politischen Hauptfigur in Deutschland gemacht hatte, jedoch vor seiner Machtergreifung und dem Kommen des Dritten Reiches. In Unterabschnitt A von Punkt 1 der Anklageschrift wird die Beschuldigung erhoben, dass die Angeklagten gemeinsam mit anderen Industriellen eine wichtige Rolle bei der Errichtung der Diktatur des Dritten Reiches spielten. Wir behaupten hier nicht, dass dies an sich ein Verbrechen nach Gesetz Nr. 10 darstellt, aber es war der erste wichtige Schritt zur Begangung der Verbrechen gegen den Frieden, deren die Angeklagten beschuldigt sind.

Wenn wir die Beschuldigung eines Bündnisses zwischen den Angeklagten und Hitler und der Nazi-Partei erheben, bedeutet das nicht, dass diese beiden Gruppen sich in jeder Beziehung einig waren. Wie es gewöhnlich der Fall ist, wenn zwei mächtige Gruppen zusammenarbeiten, gab es Unstimmigkeiten, was aus dem Beweismaterial, das unterbreitet werden wird, hervorgeht. Aber die Beweisaufnahme wird zeigen, dass das

gemeinsame Hauptziel beider Gruppen Vergrößerung auf Kosten anderer Länder und das Einheissen der hierbei entfallenden Beute war, gleichgültig, ob ein Krieg zur Erreichung dieses Zieles notwendig war und wie gross das Sterben, das Elend und die Zerstörung auch sein mochten, die das Ergebnis sein konnten. Dieses gemeinsame Ziel verband die beiden Gruppen, und ohne diese Zusammenarbeit hätten Hitler und seine Parteigenossen niemals die Macht in Deutschland ergreifen und festigen können, und das Dritte Reich hätte nie gewagt, die Welt in einen Krieg zu stürzen.

Bei den Juli-Wahlen des Jahres 1932 in Deutschland erhielt die Nazi-Partei etwa 13 Millionen von 36 Millionen abgegebenen Stimmen. Das war mehr als das Doppelte der Stimmen, welche die Nazis bei den vorhergehenden Wahlen des Jahres 1930 erhalten hatten, und die Vertretung der Nazi-Partei im Reichstag stieg von 137 auf 230 Sitze bei einer Gesamtzahl von 608. Hitler wurde der Vizekanzlerposten angeboten, aber er lehnte ihn ab.

Zu dieser Zeit erreichte die wirtschaftliche Krise ihren Höhepunkt. Die deutsche Industrie wurde in drastischer Weise in Mitleidenschaft gezogen, und einige Vorstandsmitglieder der I.G. befürworteten die Einstellung der teuren Erzeugung von synthetischem Benzin in Leuna. Die politische Lage unter der Regierung von Papen wurde in zunehmendem Masse unbeständig. Hitlers Erfolg bei den Wahlen war eindrucksvoll, und bald danach ergriff die I.G. Schritte, um mit ihm die Verbindung herzustellen.

Die I.G. schickte zwei Abgesandte, die Angeklagten Gattineau und Buete-fisch, nach München, um mit Hitler das für die I.G. dringende Problem zu besprechen, die Zukunft ihres synthetischen Programms. Gattineau hatte zuvor mit den Nazis in Verbindung gestanden und war ein geeigneter Verbindungsmann. Er kannte Hess persönlich und war Wirtschaftsberater Roehms, des Stabschefs der SA.

Gattineau arrangierte die Zusammenkunft durch Hess und kam mit Buete-fisch, um festzustellen, ob die I.G. auf die Unterstützung der

Nazis durch Regierungsbeihilfe, sei es durch hohen Schutz Zoll oder auf andere Weise rechnen konnte, damit sich die Fortführung der teuren synthetischen Benzinherstellung fuer die I.G. lohnen wuerde. Hitler fasste ein, dass der Benzinherzeugung der I.G. der notwendige Schutz gewahrt werden sollte. Die Zweifel innerhalb der I.G. verschwanden sofort, und das synthetische Benzinprogramm wurde durchgefuehrt und erweitert. Im Januar 1933, sogar noch bevor Hitler zum Kanzler ernannt wurde, ging die I.G. daran, Tausende von Arbeitern fuer die Braunkohlen-gruben und ihren Leunabetrieb einzustellen.

Warum hat sich die I.G. damals mit Hitler in Verbindung gesetzt, um mit ihm Dinge von solcher Wichtigkeit zu besprechen? Was wussten sie ueber ihn? Ob sie mehr wussten als damals jedermann in Deutschland wusste, ist unrichtig. Es genuegt, dass jedermann in Deutschland ueber Hitler Bescheid wusste, als die I.G. sich entschloss, sich mit ihm geschaeftlich einzulassen. Hitler und seine Partei hatten ein Programm, welches sie nie aewagten, von den Hausdaechern zu verkuenden. Und dieses Programm wurde im Jahre 1920 verkuendet und blieb bis zur Aufloesung der Partei im Jahre 1945 unveraendert. Es bestand aus 25 Punkten, einschliesslich der folgenden:

Punkt 1. Wir fordern den Zusammenschluss aller Deutschen auf Grund des Selbstbestimmungsrechtes der Voelker zu einem Gross-Deutschland.

Punkt 3. Wir fordern Land und Boden (Kolonien) zur Ernahrung unseres Volkes und Ansiedlung unseres Ueberschusses.

Punkt 4. Staatsbuenger kann nur sein, wer Volksgenosse ist. Volks-genosse kann nur sein, wer deutschen Blutes ist ohne Ruecksicht auf Konfession. Kein Jude kann daher Volksgenosse sein.

Punkt 22. Wir fordern die Abschaffung der Soldatentruppe und die Bildung eines Volksheeres.

Der wahre Sinn und die schliessliche Verwirklichung dieser Punkte wurde gut im Urteil des Internationalen Militaergerichtshofs zusammengefasst:¹

Die Forderung nach dem Zusammenschluss aller Deutschen im Gross-deutschen Reich sollte bei den der Besetzung Oesterreichs und der Tschechoslowakei vorausgehenden Ereignissen eine grosse Rolle spielen; die Kuendigung des Versailler Vertrages sollte eine entscheidende Grundlage bei dem Versuch der Rechtfertigung der Politik der Deutschen Regierung werden; die Forderung nach Land sollte die

Rechtfertigung fuer den Erwerb von "Lebensraum" auf Kosten anderer Nationen sein; die Ausstossung der Juden aus den Reihen der Deutschblutigen sollte zu den Greuelthaten gegen das juedische Volk fuehren; und das Verlangen nach einem nationalen Heer sollte Wieder-
aufruerstungsmaassnahmen im groesstmoeeglichen Ausmass und schliess-
lich den Krieg zur Folge haben.

Andere Nazi-Veroeffentlichungen, die den Schatten ruecksichtsloser Diktatur klar vorauswarfen, erklaeerten: "Die Aktive hat laengst den Glauben an Parlamente und Mehrheitsbeschluesse verloren. Der wurzellose, unvoelkische Gedanke des demokratischen Parlamentarismus liegt heute im Sterben und findet keine Anhaenger mehr, die bereit sind, fuer diese Verfassungsreform auf den Barrikaden ihr Leben einzusetzen. Keine Propaganda wird diesen Leichnam mehr zu beleben vermoegen". Wenn jemand daran zweifelte, dass die Parteiplattform Hitlers persoenliche An-
sichten darstellte, so konnte er genuegend Bestaetigung in "Mein Kampf" finden. Dies waren die Anschauungen Hitlers und seiner Partei und dies war der Mann und das Programm, weit und breit veroeffentlicht und den Angeklagten wohl bekannt, als Bucherfisch und Gattineau nach Muenchen gingen, um das synthetische Benzinprogramm der I.G. mit Hitler zu be-
sprechen.

Die Nazi-partei erlitt jedoch bei den Deutschen Wahlen im November 1932 einen Rueckschlag. Hitler verlor ungefaehr 2 Millionen Stimmen und die Sitze der Nationalsozialisten im Reichstag gingen von 230 auf 196 zurueck; die Wahlen waren ein schwerer Schlag fuer Hitlers Hoffnungen; kurze Zeit darauf schrieb Josef Goebbels in seinem Tagebuch:

In der Organisation herrscht schwere Depression. Die Geldsorgen machen jede zielbewusste Arbeit unmoeglich. Abends ist der Fuehrer bei uns zu Hause. Es will keine rechte Stimmung aufkommen. Wir sind alle sehr deprimiert, vor allem im Hinblick darauf, dass nun die Gefahr besteht, dass die ganze Partei auseinanderfaellt und alle unsere Arbeit umsonst getan ist.

Jedoch bald nach diesem deprimierenden Eintrag wandte sich Hitlers Glueck plaetzlich und entscheidend. Eine von fuehrenden Industriellen und Finanzleuten unterzeichnete Eingabe an Praesident Hindenburg forderte ihn auf, die Reichskanzlerschaft Hitler anzuvertrauen. Anfang Januar 1933

1. Judgment of the International Military Tribunal, Trial of the Major War Criminals, Vol. I, p. 175

trafen sich von Papen und Hitler bei einer Konferenz im Hause des Koelner Bankiers Kurt von Schroeder. Später konferierte von Papen mit Præsident von Hindenburg, und am 30. Januar 1933 ernannte von Hindenburg Adolf Hitler zum Reichskanzler.

So wurde das Dritte Reich geboren, aber die in die Welt gesetzte Monstrosität war noch nicht ausser Gefahr. Der schmale Geldbeutel der Nazi-partei, der einige Wochen vorher Goebbels Sorge machte, war ein ernstes Hindernis fuer den Erfolg bei den Wahlen, die fuer Maerz 1933 geplant waren. Das finanzielle Problem wurde jedoch geloeset und Hitlers Macht war gesichert. Die Angeklagten nahmen auf dem Tag ueber die I.G. an der Zurverfuegungstellung der notwendigen Geldmittel teil und halfen hierdurch, Hitlers Macht zu sichern. Dies geschah genau drei Wochen, nachdem Hitler zum Kanzler ernannt worden war.

Am 20. Februar 1933 lud Goering ungefaehr 20 fuehrende deutsche Bankiers und Industrielle in sein Haus, um finanzielle Unterstuetzung fuer die Nationalsozialisten bei den kommenden Wahlen zu erlangen. Die I.G. war bei dieser Zusammenkunft durch den Angeklagten von Schnitzler vertreten, und unter den Anwesenden befanden sich Oskar Krupp von Bohlen und Dr. Hjalmar Schacht. Hitler erschien und hielt eine lange Rede, nach deren Beendigung diese einflussreiche Versammlung einen Fond von 3 Millionen Mark beisteuerte, der ihm fuer die kommenden Wahlen zur Ver-fuegung gestellt werden sollte. Krupp von Bohlen machte sich zusammenfassende Aufzeichnungen ueber Hitlers Rede und diese Aufzeichnungen werden als Beweismaterial vorgelegt werden. Da Hitlers Ansprache ein schluessiger Beweis fuer den Charakter des Mannes und die Art des Programms ist, welches die Industriellen zu unterstuetzen sich entschlossen, duerfte es angebracht sein, grossere Teile davon anzufuehren. Hitler sagte unter anderem:

Privatwirtschaft im Zeitalter der Demokratie ist nicht aufrecht zu erhalten; sie ist nur denkbar, wenn das Volk eine tragende Idee von Autoritaet und Persoenlichkeit besitzt. Alles, was in der Welt an Positiven, an Gutem und Wertvollem auf dem Gebiete der Wirtschaft und Kultur geschaffen worden ist, beruht ganz allein auf der Bedeutung der Persoenlichkeit. Wird die Verteidigung des Geschaffenen, seine politische Verwaltung, aber einem Majoritaetpulk ueberantwortet, so geht es rettungslos unter. Alle Lebensgueter, die wir besitzen, verdanken wir dem Kampfe von Auserlesenen.

Es ist auch nicht ein Spiel des Zufalls, dass der eine Mensch mehr leistet als der andere. In dieser Tatsache wurzelt der Begriff des Privateigentums, der langsam in den allgemeinen Rechtsbegriff uebergewandert ist und zu einem komplizierten Vorgang des wirtschaftlichen Lebens geworden ist. Der Weg, den wir zu gehen haben, ist klar vorgezeichnet. Es genuegt aber nicht zu sagen: Wir wollen keinen Kommunismus in der Wirtschaft. Gehen wir politisch den Weg weiter wie bisher, dann gehen wir zugrunde. Wirtschaft und Politik lassen sich, das haben wir in den vergangenen Jahren genuegsam erfahren, nicht trennen. Die politische Durchfuehrung des Kampfes ist das primaeur Entscheidende. Deshalb muessen auch politisch klare Verhaeltnisse geschaffen werden.

Es ist deshalb die vornehmste Aufgabe eines Faehrers, die Ideale zu finden, die staerker sind als die das Volk zerreisenden Faktoren. Schon in Lazarett wurde es mir klar, dass man nach neuen Ideen zu einem Wiederaufbau suchen muesse. Ich fand sie im Voelkischen, im Wert der Persoenlichkeit, in der Ablehnung der Voelkerversoehnung.... Mit der einfachen Ablehnung solcher Gedankenmaenge ist es nicht gutan, man muss neue Gedanken bringen. Lehnt man den Pazifismus ab, muss man sofort eine andere Idee an seine Stelle haecken. Alles was verdraengt werden soll, muss abgeloeset werden durch etwas besseres..... Wir duerfen nicht vergessen, dass alle Gaeter der Kultur mehr oder weniger mit harter Faust eingefuehrt werden mussten, ebenso wie seinerzeit die Bauern zum Anbau von Kartoffeln gezwungen wurden.

Wir stehen jetzt vor der letzten Wahl. Sie mag ausfallen wie sie will, einen Rueckfall gibt es nicht mehr, auch wenn die kommende Wahl keine Entscheidung bringt. So oder so, wenn die Wahl nicht entscheidet, muss die Entscheidung eben auf einem anderen Weg fallen. Ich bin dafuer eingetreten, dass man dem Volke noch einmal Gelegenheit geben soll, selbst ueber sein Schicksal zu entscheiden.....Nie ist die Notwendigkeit, Opfer zu bringen, grosser als dieses Mal gewesen. Fuer die Wirtschaft habe ich nur den einen Wunsch, dass sie parallel mit dem inneren Aufbau einer ruhigen Zukunft entgegengieht. Die Frage der Herstellung der Ehracht wird nicht in Genf, sondern in Deutschland entschieden werden, wenn wir durch innere Ruhe zur inneren Kraft gekommen sind.....Es gibt nur zwei Moeglichkeiten, entweder ein Zurueckdraengen des Gagners auf dem Boden der Verfassung und zu diesem Zweck noch einmal diese Wahl, oder es wird ein Kampf mit anderen Waffen gefuehrt werden, der vielleicht grossere Opfer fordert. Ich moechte sie gern vermeiden sehen. Hoffentlich erkennt also das Deutsche Volk die Grosse der Stunde, sie entscheidet ueber die naechsten 10, ja vielleicht 100 Jahre. Sie wird ein Wendepunkt der deutschen Geschichte werden, fuer den ich mich mit gletvoller Energie einsetze.

Dies ist es, was der Angeklagte von Schnitzler Hitler am 20. Februar 1933 sagen hoerte, nicht ganz drei Wochen vor den Marzwahlen. Nachdem Hitler fertig war, bat Goerin um finanzielle Unterstuetzung und schloss: "Das erbetene Opfer wurde der Industrie sicherlich umso leichter fallen, wenn sie wuesste, dass die Wahl am 5. Maers die letzte sicherlich innerhalb 10 Jahren (voraussichtlich aber in 100 Jahren) sei." Schacht sagte hierauf: "Auf diesen Tisch muessen wir einen Fond von 3 Millionen Mark aufbringen."

Schnitzler ging heim und berichtete den anderen I.G.-Direktoren was er gehoert hatte. I.G. zeichnete 400.000 Mark fuer Hitlers Wahlzug - der groesste Einzelbeitrag aller bei der Versammlung vertretenen Firmen. Die Zahlung erfolgte am 27. Februar 1933. Am naechsten Tage wurde das Reichstagsgebaeude in Brand gesetzt und am gleichen Tage verkuenndeten Hitler und sein Kabinett, sich des Feuers als Vorwand bedienend, eine Verordnung, die alle verfassungsmassigen Freiheiten aufhob. Durch diese Verordnung wurden gewisse Teile der Deutschen Verfassung fuer unbestimmte Zeit aufgehoben und, wie die Verordnung besagte:

..... Beschraenkungen der persoenlichen Freiheit, des Rechts der freien Meinungsaeusserung, einschliesslich der Pressefreiheit, des Vereins- und Versammlungsrechts, Eingriffe in das Brief-, Post-, Telegraphen- und Fernsprech-Geheimnis, Anordnungen von Hausdurchsuchungen und von Beschlagnahmen sowie Beschraenkungen des Eigentums sind auch ausserhalb der sonst hierfuer gesetzlich bestimmten Grenzen zulassig.

Dies war die erste Amtshandlung des Mannes und der Partei nach Erhalt der Zuwendungen, die die I.G. so grosszueugig gemacht hatte. Die entscheidende Wahl wurde eine Woche spaeter abgehalten. Die verfassungsmassigen Garantien waren dabei aufgehoben; von 39 Millionen Stimmen erhielt die National-Sozialistische Partei 17 Millionen und von 647 Reichstagsitzen 288. Da er immer noch nicht die Mehrheit hatte, brachte Hitler die "anderen Methoden" zur Anwendung, mit denen er in seiner Rede, die von Schnitzler am 20. Februar gehoert hatte, gedroht hatte. Die Oppositionsmitglieder im Reichstag wurden in "Schutzhaft" genommen und in ihrer erzwungenen Abwesenheit hat der Reichstag am 24. Maerz 1933 das Ermachtigungsgesetz angenommen, das Hitler die gesamte gesetzgebende Macht gab, mit Einschluss des Rechts, von der Verfassung abzuweichen. So gingen Demokratie und Freiheit in Deutschland unter; das Dritte Reich war fuer 12 lange und schreckliche Jahre zur Macht gekommen.

Waren die Angeklagten empoeert, entsetzt oder selbst nur ueberascht ueber den schnellen und brutalen Kurs der Diktatur? Im April 1933 schuf Hermann Goering die Gestapo. Im gleichen Monat unterbreitete die Reichsvereinigung der deutschen Industrie, deren Begruender Carl Duisberg und dessen Mitglied die I.G. war, Hitler einen Plan zur Reorganisation der deutschen Industrie nach dem "Fuehrer-Prinzip". Bei der Vorlage des Planes erklarte Gustav Krupp von Bohlen:

Die politische Entwicklung begegnet sich mit Menschen, die ich selbst und das Praesidium seit langen geholt habe. Bei der Reorganisation des Reichsverbandes der deutschen Industrie werde ich mich von dem Gedanken leiten lassen, die neue Organisation in Uebereinstimmung mit den politischen Zielen der Reichsregierung zu bringen.

Im Juli 1933 wurde ein Gesetz angenommen, das die NSDAP zur einzigen politischen Partei erklarte und die Weiterfuehrung oder Neubildung einer anderen politischen Partei zu einem Verbrechen stempelte. Drei Tage vorher trafen sich Vertreter der Du Pont Company von Delaware mit Carl Bosch, dem damaligen Vorsitzenden des I.G.-Vorstandes, der ihnen erklarte:

Gerade jetzt handelt es sich um die Frage Faschismus oder Bolschewismus und die Industrie muss die derzeitige Regierung unterstützen, um weiteres Chaos zu verhüten. Am Anfang beriet sich Hitler nicht mit den Fuehrern der Industrie; in den letzten Wochen hat er aber seine Stabilität dadurch gezeigt, dass er den radikalen Elementen der Partei Zügel anlegte und die Fuehrer der Industrie zu Beratungen mit ihm beizog.

Was war es, das die I.G. als "Stabilität" betrachteten und was nach ihrer Ansicht das "Chaos" vorzuziehen sei? Während der restlichen Monate des Jahres 1933 wuchs die Macht der Tyrannei noch stärker an. Die Unabhängigkeit der Justiz wurde in verhängnisvoller Weise untergraben, politische Sondergerichte wurden geschaffen und das Konzentrationslager trat in Erscheinung. Die Juden wurden aus dem Beamtentum ausgeschlossen und in anderer Weise verfolgt, die Gewerkschaften wurden abgewürgt und die Hitler-Jugend wurde nach militärischen Gesichtspunkten organisiert. Josef Goebbels schuf das Ministerium fuer Volksaufklärung und Propaganda, um die Verdrehung und Unterdru ckung der Wahrheit zu garantieren. In Goebbels Ministerium gründete Walter Funk einen "Rat der Deutschen Wirtschaft", in welchem die Angeklagten Schnitzler, Mann und Guttineau gern mitwirkten. Deutschland trat aus der Internationalen Abrüstungskonferenz und aus dem Voelkerbund aus. Deutschlands Aussenpolitik wurde durch eine sogenannte "Wahl" im November 1933 "ratifiziert". Bei der gleichen "Wahl" wurde der Angeklagte Schultz als ein NS-Kandidat in den Reichstag gewählt. Während sich die Regierungsforn in eine Diktatur umwandelte und den Weg beschritt, der zum Krieg hinfuehrte, wurde die I.G. immer mehr ein

Bestandteil des Dritten Reiches und zu einer Lebensnotwendigkeit fuer dieses Dritte Reich, das sie zu schaffen half.

ANKLAGEPUNKT I: DAS PLANEN UND DIE VORBEREITUNG VON EINFÄLLEN UND ANGRIFFSKRIEGEN.

Wenn wir uns jetzt der Laufbahn der Angeklagten, ihrer Teilhaberschaft mit Hitler und der Wehrmacht waehrend der Jahre vor dem Ausbruch des Krieges zuwenden, daerfte es von Nutzen sein, uns daran zu erinnern, dass die Vorbereitung eines Krieges gegen Grossmaechte ein Unternehmen von ueberwältigender Grosse ist. Das kann nicht von einem Manne oder von irgendeiner einzelnen Gruppe von Maennern getan werden. Das muss von allen Fuehrern eines Volkes organisiert sein und es bedarf der allumfassendsten und bestueberlegten Planung auf der ganzen Linie. Richter Jackson hat dies mit bewunderungswuerdiger Klarheit vor dem Internationalen militaergerichtshof dargelegt:

Dieser Krieg kam nicht von ungefacht; er wurde ueber eine lange Zeitspanne mit nicht wenig Geschick und List geplant und vorbereitet. Die Welt hat vielleicht noch niemals ein solches Zusammentreffen und Aufputschen der Kraefte und Leistungen eines Volkes gesehen. Deutschland, das 20 Jahre zuvor niedergeworfen, entwaffnet und verstaechelt worden war, ist denn ja auch der Verwirklichung seines Planes, Europa zu beherrschen, so nahe gekommen. Was man auch sonst ueber die Urheber dieses Krieges sagen mag, an Kraft der Organisation haben sie gewiss Erstaunliches geleistet. ... Die Maenner aus Wirtschaft, Industrie und Finanz beteiligten sich an dem gemeinsamen Plan und foerderten eine weitgehende Anpassung der Industrie und der Geldwirtschaft, um mit einer beispiellosen Zusammenfassung aller Hilfsquellen und Kraefte die Kriegsvorbereitungen zu unterstuetzen. Diese Vorbereitungen waren so gewaltig, dass sie weit ueber das fuer die Verteidigung notwendige hinausging. Jeder der Angeklagten, und jeder Deutsche, der sich Gedanken machte, wusste dann auch sehr wohl, dass sie Angriffszwecken dienen sollten.

Unmittelbar nach Hitlers Machtergreifung offenbarte sich in reichem Masse die vollkommene Zusammenarbeit der I.G. mit dem Programm des Dritten Reiches. Wenn wir heute das Beweismaterial nur in grossen Zuegen vorfuehren, wollen wir

Band II des grossen Kriegsverbrecherprozesses, Seite 121 und 154.

den Hauptnachdruck auf ihre Teilnahme an der Wiederaufbauung Deutschlands zum Zwecke eines Angriffs legen, es darf jedoch nicht angenommen werden, dass dies das einzige Gebiet war, auf dem die I.G. eine gemeinsame Grundlage mit den Nationalsozialisten fand. Die I.G. liess der NSDAP weiterhin eine grosszügige finanzielle Unterstützung zuteil werden und passte ihre Verkaufs- und Werbeprogramme sorgfältig den nationalsozialistischen Ideen an. Sollten die Angeklagten irgendwelche Zweifel gehabt haben, so traten sie weder in Worten noch in Taten in Erscheinung. Wir wollen den Beweis fuer diese Beschuldigungen in grossen Zügen chronologisch darlegen.

4. 1933.

Der Gerichtshof wird sich entsinnen, dass die I.G., als sie durch Gattineau und Bucofisch im Jahre 1932 zum ersten Mal an Hitler herantrat, hauptsächlich daran interessiert war, sich Hitlers Unterstützung fuer die Vertiefung und Erweiterung ihres Programms zur Herstellung von synthetischem Benzin zu sichern. Hitler gab ihnen zufriedenstellende Zusicherungen und bald nach der Machtergreifung, im Fruhling 1933, forderte Hitler Carl Bosch (siehe oben), den damaligen Vorsitzenden des I.G.-Vorstandes auf, ihn aufzusuchen und die Einzelheiten des Programms, das Bucofisch und Gattineau im Jahre 1932 entworfen hatten, mit ihm durchzusprechen. Handelsgesichtspunkte fehlten bei diesem Zusammentreffen nicht. Hitlers Hauptinteresse galt der Massenproduktion, waehrend die I.G. darauf bedacht war, von der Regierung Garantie in Bezug auf Preise und fuer den Absatz ihrer Produktion an synthetischem Benzin zu erhalten. Obgleich alle Einzelheiten der Besprechung der Anklagebehörde nicht bekannt sind, ist es klar, dass die I.G. Zusicherungen erhielt, die sie dazu vor-

anlasste, ein Programm zur Erweiterung der Lounawerke zu entwickeln.

Die I.G. ging unverzüglich daran, enge Beziehungen zum Deutschen Luftfahrtministerium herzustellen, um den Markt fuer synthetisches Benzin beim Flugwesen zu entwickeln. Im Fruhling 1933 schrieb der Angeklagte Krauch (siehe oben), damals Leiter der Sparte I (die Sparte, die sich mit Stickstoff und synthetischen Treibstoffen befasste), an Erhardt Milch, den Staatssekretaer und Zweithochsten in Hermann Goerings Luftfahrtministerium. Krauch umriss die Grundlage fuer die Erweiterung der I.G. Anlagen zur Erzeugung von synthetischem Treibstoff auf Grund eines "Vierjahresplanes" (siehe oben). Diese Idee eines Vierjahresplanes wurde spaeter von Hitler und Goering fuer ganz Deutschland uebernommen, wie sich spaeter zeigen wird. Krauchs Brief enthaelt folgendes:

Es wird natuerlich ohne weiteres moeglich sein, das Tempo des Ausbaues so zu beschleunigen, dass die Produktionssteigerung in einer kuerseren Zeit erreicht werden kann. Es ist ohne weiteres moeglich, die vorgesehene Steigerung der Erdolfoerderung und Erzeugung von Braunkohlenschwelteeren mehr oder weniger auf die direkte Hydrierung von Braunkohle und Steinkohle zu verlegen. Man wuerde dabei einmal den Vorteil haben, dass man von gesicherter Rohstoffbasis ausgeht und unabhengig von Nebenprodukten ist

In der Hydrierung haben wir uns seit laengerer Zeit mit der Herstellung geeigneter Flugerbenzine beschaeftigt und koennen heute nach dem Stand der Technik sagen, dass es ohne weiteres moeglich ist, in deutscher Produktion Flugerbenzine als auch geeignete Schmiermittel fuer Flugzeuge herzustellen. Augenblicklich sind einsehende Versuche mit unserem Benzin bei der Luftthansa im Gange. Sollten sich irgendwelche Rueckfragen aus diesem Material ergeben, so bin ich gern zu weiteren muendlichen Auskueften bereit.

Auf Grund des von Krauch gegebenen Berichts berief Milch eine besondere Versammlung mit General von Beckolberg, dem Leiter des Heereswaffenamtes und Oberstleutnant Thomas (der spaeter Chef des Wehrwirtschaftsstabes wurde) ein und berichtete ihnen ueber seine Besprechung mit Krauch. Das Protokoll dieser Versammlung berichtet:

Staatssekretär Milch übergab Generalleutnant Beckelborg ein Memorandum der I.G. (Dr. Krauch) über die Erweiterung der einheimischen Rohstoffbasis und schlug vor, dass ihre beiden Ämter das Projekt bei den zuständigen Regierungsstellen energisch befürworten sollen. Die Ernennung eines Kommissars mit der Vollmacht, die nötigen Schritte zur Durchführung des Projektes zu ergreifen, wurde als notwendig erachtet.

Drei Monate später, im Dezember 1933, erhielt die I.G. von der Regierung einen formellen Kontrakt zur Erzeugung von synthetischem Benzin. Der Kontrakt war von Hitler persönlich für die Regierung gebilligt. Die I.G. übernahm es, ihre Louna-Anlagen so zu erweitern, dass während der zweiten Hälfte des Jahres 1934 eine Mindestproduktion von 50.000 t. erreicht wurde und bis zum 31. Dezember 1937 eine Mindestproduktion von 300.000 bis 350.000 t. Dafür garantierte das Reich der I.G. für 10 Jahre - bis zum 30. Juni 1944 - einen den Herstellungskosten entsprechenden Preis. Das Reich verpflichtete sich, Massnahmen zu treffen, die den Verkauf des erzeugten Benzins sichern sollten.

Nachdem das Programm zur Erzeugung von synthetischem Benzin erfolgreich angelaufen war, richtete die I.G. ihre Aufmerksamkeit auf synthetischen Gummi. Wieder wurden die Militärbehörden um den Beratungstisch versammelt. Im August 1933 schrieb die I.G. an das Heereswaffenamt und berichtete über den Stand der Versuche mit synthetischem Gummi. Nach Angabe von Einzelheiten über ihre Arbeit mit Gummi während des ersten Weltkrieges und nach dem Hinweis darauf, dass die Forschungsarbeit wegen des finanziellen Risikos eingeschränkt worden war, erklärt der Brief der I.G.:

Ein weiterer wichtiger Punkt scheint der zu sein, dass Anzeichen dafür vorliegen, dass die neuen Produkte hinsichtlich des Gleitschutzes den Naturreifen überlegen sind. Auf Grund dieser Ergebnisse erscheint also die Herstellung von synthetischem Gummi wieder aussichtsreicher, so dass die I.G. bereit wäre, ihre Versuche in grösserem Umfange wieder aufzunehmen. Um Missverständnisse zu vermeiden sei hier wiederholt, dass es unmöglich ist, den synthetischen Gummi auch nur annähernd zum heutigen Preise des Naturkautschuks herzustellen, dass jedoch zu hoffen ist, dass diese höheren Kosten durch bessere Eigenschaften ausgeglichen werden.

Nach mehreren Monaten und weiteren Besprechungen schrieb der Reichswirtschaftsminister an die I.G.:

Die Frage der Herstellung synthetischen Kautschuks hat sowohl mit Rücksicht auf die Verminderung des Bezugs von Auslandserzeugnissen wie auch wegen der Arbeitsbeschaffung überhaupt mein volles Interesse. Ich begrüesse es daher, dass Ihre Firma gewillt ist, die Herstellung von synthetischem Gummi in grösserem Umfange wieder aufzunehmen. Sobald die Reifen zur Verfügung stehen, werde ich mich ferner an die betreffenden Reichsressorts wenden, damit eine umfangreiche praktische Erprobung der neuen Reifen erfolgen kann. Bei günstigem Ausgang der Erprobung bin ich auch gern bereit, die Sache derart weiter zu fördern, dass bei entsprechender Preisstellung Regierungsbehörden und staatliche Anstalten zur Verwendung von synthetischen Reifen angehalten werden.

Nachdem die I.G. diese Zusicherungen erlangt hatte, steigerte sie ihre Forschungsarbeit mit synthetischem Gummi, die einige Jahre später zum ersuchten Erfolge führte. Dringen - der als irgendwelche anderen zwei Dinge brauchte Deutschland synthetisches Benzin und synthetischen Gummi, um es instandzusetzen, unter dem wirtschaftlichen Druck einer feindlichen Übermacht zur See einen Krieg zu führen. Demgemäss waren dies die beiden Gebiete, auf die sich die Anstrengungen der I.G. in erster Linie konzentrierten. Es fehlte nicht an Tätigkeiten, die weniger bedeutungsvoll, aber noch augenfälliger für den Krieg bestimmt waren. Schon im März 1933 wurden an die I.G.-Angestellten Gasmasken ausgeteilt und Programme zur Ausbildung in der Verteidigung gegen Luft- und Gasangriffe in Gang gesetzt. In Zusammenarbeit mit dem Reichskriegsministerium wurden Versuche mit Vernobelungen begonnen. Als das Deutsche Luftfahrtministerium in einer französischen technischen Zeitschrift einen Artikel bemerkte, der sich auf ein neues, in hohem Grade todtliches Giftgas bezog, das die I.G. erfunden haben sollte, richtete es an die I.G. eine Anfrage, und der Angeklagte Krauch schickte einen führenden Wissenschaftler der I.G. nach Berlin, "um die verlangte Auskunft" zu geben.

An der politischen Front unterstützte die I.G. Hitler

und die NSDAP ruckhallos und energisch waehrend all den Monaten, als Konzentrationslager eingerichtet wurden und ein tyrannischer Erlass nach dem andern aus Berlin erging. Im Jahre 1933 leistete die I.G. der Partei und ihren verschiedenen Gliederungen zahlreiche Goldbeitraege, und Carl Duisberg versicherte der Reichsvereinigung der Deutschen Industrie, dass die I.G. "wegen ihrer ausgesprochen bejahenden Einstellung zu der ganzen Angelegenheit" "natuerlich bereit" waere, zur Adolf-Hitler-Spende beizusteuern, die Gustav Krupp von Bohlen organisiert hatte. Der Angeklagte Kuhne, der Leiter des I.G.-Werkes in Leverkusen, rief im April 1933 alle seine Angestellten auf, an der Maifeier teilzunehmen, indem er erklarte, dass "die Kernfrage die sei, dass an diesem Tage vor allem, Deutschland hinter seiner Regierung stehen sollte." Im Mai wurde an alle I.G.-Werke ein Rundschreiben geschickt, in dem erklart wurde, dass die Leitung eine "entsprechende Vertretung der National-Sozialistischen Ziele innerhalb der National-Sozialistischen Betriebszellen-Organisation" begruessen wuerde. Im Juni beschloss ein Ausschuss der I.G., "dass es eine Selbstverstaendlichkeit sein sollte, bei der Einstellung neuer Leute Mitgliedern militaerachtlicher Organisationen den Vorzug zu geben", was sich ganz offensichtlich auf die SS, SA und andere uniformierte NS-Organisationen bezog. Im Juli 1933 wurde Carl Bosch von Hitler in einem kleinen und ausgewählten Wirtschaftsrat von Regierungsbeamten und fuehrenden Industriellen berufen. Spaeater, im Laufe des Monats, wurde der Angeklagte Schmitz Vorsitzender eines Lieblingsprojektes Hitlers, des sogenannten "Hauses der Deutschen Kunst" in Muenchen und als er um Mittel fuer seine Errichtung warb, erklarte er,

Anlaesslich der Grundsteinlegung wird (der Herr Reichskanzler) anwesend sein und in einem Manifest das kulturelle Aufbauprogramm verkunden. Fuer die Erstellung des Gebäudes ist insgesamt ein Betrag von 5 Millionen Reichsmark aufzubringen. Diese Aufgabe wird nicht leicht sein. Sie mag aber dadurch erleichtert werden,

dass es sich um die Erfüllung einer persönlichen Lieblingsidee des Herrn Reichskanzlers handelt. Das "Haus der Deutschen Kunst" ist daher auch als eine Gabe des deutschen Volkes an den Herrn Reichskanzler gedacht.

Der Standpunkt der I.G. im Ausland entsprach dem zu Hause. Hitlers brutale Diktatur und besonders die antisemitischen Ausschreitungen des Dritten Reiches verursachten eine heftige Reaktion der öffentlichen Meinung in anderen Ländern, besonders in den Vereinigten Staaten. Spontane Boykotts deutscher Waren schädigten den deutschen Handel. Einige der Auslandsvertretungen der I.G. bemühten sich, den Vorstand dazu zu veranlassen, im Interesse des Exporthandels der I.G. ihren Einfluss dazu zu benutzen, die ^{ts}antijuedische Politik zu mildern. Aber die I.G. spielte um grössere Einsätze und ihre Reaktion zu dem amerikanischen Boykott war die Entfesselung eines heftigen und heimatueckischen Propaganda-Feldzuges, der selbst Goebbels zur Ehre gereicht haben würde. Sie engagierten einen wohlbekannten Propagandafachmann, Ivy Lee, um Methoden zur Beseitigung des Boykotts und zur Organisation pro-deutscher Propaganda auszuarbeiten. Die Verkaufsgemeinschaft Pharmazoutika der I.G., unter Leitung des Angeklagten Mann, hatte ausgedehnte Beziehungen in den Vereinigten Staaten, und gegen Ende 1933 versandte sie ein Rundschreiben an ihre amerikanischen Vertreter, das folgendes enthielt:

..... Inbesondere sehen wir uns veranlasst, Ihnen die tatsächlichen Verhältnisse, wie sie sich unter der neuen national-sozialistischen Regierung Deutschlands darstellen, eingehend zu schildern. Wir geben der Hoffnung Ausdruck, dass gerade diese Ausführungen fuer Sie wichtige Unterlagen bilden, um uns auch weiterhin in unserem Kampf um die deutsche Rechtsauffassung zu unterstützen. Wir bitten Sie, auch ausdrücklich, Ihren Mitarbeitern und Ihrem Personal gegenüber von diesen Ausführungen in einer Ihnen geeignet erscheinenden Weise Gebrauch zu machen, mit dem Ziele, alle Mitarbeiter an unserem pharmazeutischen Geschäft auch mit diesen allgemeinen wirtschaftlichen und politischen Auffassungen bekannt zu machen.

Im Innern gab der Reichstagsbrand das Signal zum Kampf gegen Kommunisten und Marxisten, die drauf und dran waren, in bewaffnetem Aufstand Deutschland aufs Neue an den Rand des Abgrundes zu bringen. Mit eiserner Faust wurde durchgegriffen und das Land gereinigt. Das Volk bekam Ruhe.

Nicht mehr Protektion und Parteibuch galten fuer die Besetzung von Aemtern, sondern das Leitungsprinzip; Ordnung und Sauberkeit hielten wieder Einzug in das oeffentliche Leben Deutschlands.

B. 1934.

Im Jahre 1934 unterzeichnete Hitler einen gegenseitigen Nichtangriffspakt mit Polen. Im gleichen Jahre, etwas spaeter, unterbreitete Hjalmar Schacht Hitler einen Bericht, der mit den folgenden Worten begann:

Dem Reichswirtschaftsministerium ist mit der Gruendung des Reichsverteidigungsrates und seines staendigen Ausschusses die Aufgabe gestellt, die Kriegfuehrung wirtschaftlich vorzubereiten. Die ungeheueren Bedeutung dieser Aufgabe sollte eigentlich keiner naecheren Begrueundung beduerfen. Noch ist die Erinnerung lebendig daran, wie fuerchterlich sich im Weltkrieg das Fehlen jeglicher wirtschaftlicher Kriegsvorbereitung geraecht hat.

Schacht fuhr fort, eine Anzahl "dringender Schwierigkeiten" anzufuehren und zu erklaren, welche Schritte zu ihrer Ueberwindung getroffen werden waren. Er erklarte, dass die Fabriken, die hochkonzentrierte Salpetersaure, ein unentbehrlicher Grundstoff fuer die Munitionsfabrikation, herstellten, am Rhein entlang in der Naehة der Westgrenze Deutschlands konzentriert seien. Er erachte es fuer unbedingt notwendig, eine grosse Fabrik in der sichereren Zone Mitteldeutschlands zu errichten. Die Konstruktion einer solchen Fabrik war in Dreesitz begonnen worden und sie sollte bis zum naechsten Fruhjahr fertig gestellt sein. Die Fabrik in Dreesitz war eine geheime, vom Reich finanzierte Fabrik, wurde aber von der IG. gebaut und betrieben.

Schacht brachte aehnliche Sorgen zum Ausdruck bezueg-

lich der zur Erzeugung von hochgradigem Stahl notwendigen Eisenlegierungen. Wiederum war die I.G. nur zu gefällig; ein Teil ihrer Anlagen zur Produktion von Eisen-Wolfram in der Nähe von Aachen, die Schacht als "ausschliesslich in der Gefahrenebene gelegen" bezeichnete, wurde nach Mitteldeutschland verlegt.

Schacht besprach dann die Lage bei den Leichtmetallen. Dieses Problem wurde teilweise dadurch gelöst, dass die I.G. eine grosse Fabrik in Mitteldeutschland zur Erzeugung von Magnesium und Aluminium errichtete. Sie wurde in enger Zusammenarbeit mit der deutschen Luftwaffe gebaut, die den Bauplatz sorgfältig vom Standpunkt der Sicherheit gegen Luftangriffe überprüfte und auch die gesamte Produktion übernahm.

Schacht war auch wegen des Mangels an Vorrat an notwendigen Chemikalien und lebenswichtigen Kriegsmaterial besorgt:

Im Hinblick auf die ungewisse Dauer eines Krieges, muss mit diesen Vorräten gleich von Anfang sehr sparsam umgegangen werden. Für ein unentbehrliches chemisches Zwischenprodukt, die Schwefelsäure, ist der Schwefelkies Ausgangs- und Rohstoff. Seine alleinige Gewinnung in Deutschland liegt im gefährdeten Gebiet (Westfalen). Die I.G. Farbenindustrie A.G. ist veranlasst worden, eine zusätzliche Bevorratung mit Schwefelkies im Laufe dieses Winters durchzuführen. Ausserdem wird die Umstellung eines grossen Werkes dieses Konzerns auf die Gewinnung von Schwefelsäure aus Gips wesentliche Erleichterungen auf diesem Gebiet bringen.

Im Jahre 1934 beteiligte sich die I.G. an dem Bevorratungsprogramm. Nicht nur wurde Pyrit auf das Verlangen der Wehrmacht auf Lager gelegt, sondern auch enorme Quantitäten von Stabilisatoren von Sprengstoffen und anderen Chemikalien. In einer Fabrik wurde die gesamte Erzeugung von Magnesium in Brandbombenzylindern eingelagert, die zur Tarnung in gewöhnliche Kisten verpackt und mit "Textil-Kisten" bezeichnet wurden.

Schacht war auch über die Vorräte an Motortreibstoffen besorgt und wollte grosse unterirdische Vorratsbehälter

ter erbauen und fuellen, die gegen Luftangriffe gefeit waren. Aber auf diesem Gebiet war die I.G. hauptsächlich an der synthetischen Erzeugung interessiert, die Deutschland ein fuer alle Male von aller Einfuhr unabhaengig machen wuerde. Im Jahre 1934 wurde unter Beteiligung der Regierung eine Gesellschaft gegruendet, die "Brabag" (die Buchstaben bedeuten "Braunkohle und Benzin I.G."), um synthetisches Benzin aus Braunkohle mittels des Verfluessigungsverfahren der I.G. zu erzeugen. Der technische Leiter der Brabag war die Angeklagte Bueckfisch.

Im Jahre 1934 bereitete Schacht auch ins Einzelne gehende Plaene zur industriellen Mobilisierung vor und schuf eine Reihe von "Wirtschaftsgruppen", um in Zusammenarbeit mit dem deutschen Heer Plaene zu machen. Ueber diesen Gruppen stand die Reichsgruppe Industrie, in welcher die Angeklagten Schmitz, von Schnitzler und Jaehne sehr taetig waren. Die I.G. war in den untergeordneten Ausschuessen fuer einzelne Industrien und in der Wirtschaftsgruppe Chemische Industrie gut vertreten; die Angeklagten von Schmitzer, Tor Meer, Wurster, Oster und Ambros spielten alle bedeutende Rollen.

Plaene fuer den Schutz der I.G.-Fabriken gegen Luftangriffe wurden weiterhin ausgearbeitet und mit der auussersten Energie und dem auussersten Ernste erprobt. Alle I.G.-Fabriken beteiligten sich an Manoeuvren, die "Kriegsspiele" genannt wurden. Auf der Karte einer bestimmten Fabrik pflegte ein Schlichter verschiedene Punkte zu markieren, wo Bombeneinschlaege von einem bestimmten Gewicht angenommen wurden. Die Werkleitung stellte Plaene fuer die schnelle Ausbesserung des Schadens und Schaeetzungen auf, wie lange die verschiedenen Teile der Fabrik ausser Betrieb sein wuerden. Um den Schutz zu verbessern, wurde zum Beispiel in der Louna-Fabrik die Erzeugung in unabhaengige Einheiten aufgeteilt, sodass ihre Arbeit trotz Bombenschadens in einzelnen Einheiten fortgesetzt werden konnte. Hohe Offiziere der Wehrmacht nahmen an diesen Spielen teil und berieten sich mit den Lei-

torn der I.G. Es sei hier hinzugefügt, dass sich während des Krieges dies gut bezahlt machte, da bei Kriegsende nur 13 % der Produktionsfähigkeit der I.G. durch Bomben zerstört worden waren.

Die Hingebung der I.G. an die National-Sozialistische Partei und das Dritte Reich war weiterhin unerschütterlich. Die Direktoren der I.G. in Leverkusen verteilten Hitlers Reden und anderes Propagandamaterial an Tausende von ausländischen Ärzten. Den ausländischen Zeitungen, die feindliche Artikel über die National-Sozialisten veröffentlichten, entzogen sie ihre Anzeigen. Die Vertreter der I.G. in Chile und Argentinien unterstützten die Gründungen von Ortsgruppen der NSDAP und die Verbreitung von Propaganda durch deutsche Handelskammern mit Geld und auf andere Weise.

c. 1935.

Im Jahre 1935 beschleunigte sich das Tempo der National-Sozialisten, und das Dritte Reich unternahm die ersten offenen Schritte in Verletzung des Versailler Vertrages. Im März verkündete Goering öffentlich, dass Deutschland eine militärische Luftflotte baue. Im gleichen Monat, etwas später, wurde die Militärdienstpflicht eingeführt und das deutsche Heer wurde mit einer Friedensstärke von 500.000 Mann aufgestellt. Im Mai, am selben Tage, an dem Hitler die Abrüstungsbestimmungen des Versailler Vertrages kündigte, aber die Gebietseinschränkungen dieses Vertrages und den Pakt von Locarno ab. noch anzuerkennen vergab, wurde das Geheime Reichs-Wehr-Gesetz beschlossen, das die Rechte und Pflichten des Reichskanzlers und der anderen Minister fuer den Fall festlegte, dass Deutschland in einen Krieg verwickelt würde. Wie der Internationale Militärgerichtshof

feststellen; "Es geht aus diesem Gesetz klar hervor, dass Hitler und seine Regierung bis zum Mai 1935 das Stadium in der Durchführung ihrer Politik erreicht hatten, in dem es fuer sie notwendig wurde, die zur Verwaltung und Regierung Deutschlands erforderliche Maschinerie zur Verfuegung zu haben, im Falle dass ihre Politik zum Kriege fuehren wuerde." Die Intransigenz gegenueber dem Ausland war von einem Anziehen der Diktatur-Schraube im Innern begleitet. Der September 1935 der Monat der beruechtigten Nuremberger Gesetze Die Konzentration der I.G. auf Ruestungsangelegenheiten verstaerkte sich entsprechend. Die Arbeit der Angeklagten - ihre Kauefe, Verkauuefe, Erzeugung, Ausdehnung und Forschung - fielen doervor ausschliesslich in das militaerische Gebiet, dass der Vorstand in Berlin eine militaerische Verbindungsstelle, die Vermittlungsstelle W errichtete. Im September schickte der Angeklagte Krauch allen Betriebsleitern einen vertraulichen Brief, worin er das neue Buero erklarte;

Der Zentralausschuss hat beschlossen eine Vermittlungsstelle W in unserem Geschaeftshaus Berlin NW 7, Unter den Linden 78, zu schaffen, um bei den im Begriff stehenden Aufbau der Wehrwirtschaft fuer eine planvolle Zusammenarbeit innerhalb der I.G. und insbesondere fuer eine zentrale Bearbeitung der wehrwirtschaftlichen, wehrpolitischen und wehrtechnischen Fragen zu sorgen.

Von jetzt ab ist jeder Schriftverkehr - auch in schwebenden Angelegenheiten - mit dem Reichskriegsministerium dem Marineministerium ... dem Reichsfluchtministerium, sowie in wehrwirtschaftlichen Fragen auch mit dem Reichswirtschaftsministerium, ausschliesslich unter Beifuegung eines Durchschlages an die Vermittlungsstelle zu loiten...

Zu dem Arbeitsgebiet der Vermittlungsstelle gehoeren auf wehrwirtschaftlichen und wehrpolitischen Gebiet, auf welchem die Vermittlungsstelle zu jeder Auskunft und Vermittlung bereitsteht,....

Durch die Errichtung der Vermittlungsstelle W brachte die I.G. ihre Gesamttatigkeit mit den militaerischen Plaenen des deutschen Oberkommandos in Einklang. Wie sehr die

Angeklagten ihre gesamte Organisation militärischen Zwecken auslieferten, wird in einem von dem Angeklagten Krauch im Dezember 1935 aufgesetzten Bericht auseinandergesetzt. Der Bericht erklärt unter anderem:

Mit der Schaffung der Wehrmacht hat sich fuer die gesamte deutsche Industrie die Aufgabe ergeben, sich mit ihren Betrieben und Betriebsorganisationen in den Aufbau der deutschen Landesverteidigung einzugliedern, d.h. ihre bestehenden Betriebe unter wehrwirtschaftlichem Gesichtspunkt durchzuorganisieren.

Die neugebildete Vermittlungsstelle 7 hat die Vereinheitlichung und Zusammenfassung dieser Arbeiten innerhalb der I.G. zur Aufgabe. Ziel dieser Arbeit ist der Aufbau einer straffen wehrwirtschaftlichen I.G.-Organisation.

Die I.G. wird im Kriegsfall den wehrwirtschaftlichen Behörden als ein grosses Lieferwerk gegenüberstehen, das seine wehrwirtschaftlichen Belange - soweit dies technisch möglich ist - aus sich selbst ohne organisatorischen Eingriff von aussen her regelt

Das Arbeitsgebiet der Vermittlungsstelle 7 umfasst neben den organisatorischen Vorarbeiten und Planungen auf laengere Sicht die laufende Zusammenarbeit in wehrwirtschaftlichen und wehrtechnischen Fragen mit den Behörden und mit den I.G.-Betrieben.

Die ständige und ins Einzelne gehende gemeinsame Planung zwischen der I.G. und der Wehrmacht, die die beschleunigte Gruendung der Vermittlungsstelle herbeifuehrte, wird in dem "streng vertraulichen" Protokoll einer im Jahre 1935 in einer I.G.-Fabrik mit Beamten des Heereswaffenamtes und des Reichsluftfahrtministeriums abgehaltenen Besprechung beispielhaft dargelegt. Das Heer interessierte sich fuer die Verwendung von Methylalkohol fuer Motorenfahrzeuge und die Luftwaffe fuer die Erzeugung von Iso-Oktan. Die Verwendung synthetischer Schmieroelae fuer Flugzeugmaschinen wurde daraufhin im Hinblick auf ihre hohen Herstellungskosten erörtert. Die Sitzungsteilnehmer stellten fest:

Ablehnung dieser Verfahren infolge geringer Wirtschaftlichkeit kann fuer die Zwecke des Reichsluftfahrtministeriums nicht ausschlaggebend sein, wenn es mit ihrer Hilfe gelingt, besonders hochwertige Stoffe fuer einen begrenzten Anwendungsbereich herzustellen.

Die strategische Natur dieser Forschungsarbeit wird

durch einen andern Auszug beleuchtet:

Die I.G. ist vertraglich zu weitgehendem Erfahrungsaustausch mit der Standard verpflichtet. Diese Regelung erscheint untragbar in Bezug auf die Entwicklungsarbeiten, die fuer das Reichsluftfahrt Ministerium durchgefuehrt werden. Das Reichsluftfahrt Ministerium wird deshalb eine umfassende und rechtzeitige Pruefung der I.G.-Patentanmeldungen vornehmen. Ausserdem wird die I.G. zur besonderen Beruecksichtigung dieser Sachlage dem Reichsluftfahrt Ministerium die notwendigen Sicherungsmassnahmen vorschlagen.

Im Jahre 1935 war die Forschung der I.G. mit synthetischem Gummi auf dem Punkte der praktischen Anwendung und strategischen Bedeutung angelangt. Im Januar besuchten Vertreter des Heereswaffenamtes die I.G.-Anlagen in Leverkusen, um sich darueber klar zu werden, ob sie alle Kraefte auf das synthetische Programm oder auf die Bevorratung von natuerlichem Gummi konzentrieren sollten. Die Vertreter des Heeres erklarten: "Die Produktion von synthetischem Gummi ist keine Devise mehr, sondern ist zu einer Frage militaerischer Politik geworden. ... Die Erfordernisse der Wehrmacht werden entscheidend sein." Man beschloss, weitere Versuche anzustellen, und waehrend des Sommers sollten Hitler aus synthetischem Gummi angefertigte Gegenstaende gezeigt werden.

Der Bericht ueber diese Januar-Konferenz beziffert die Friedensbeduerfnisse der deutschen Armees auf "150 bis 250 Tonnen pro Monat". Im September aber verpflichtete sich die I.G. zum Bau einer Fabrik mit einer monatlichen Leistungsfahigkeit von 1.000 Tonnen. Dies geschah als Ergebnis einer Sitzung zwischen dem Angeklagten Ter Meer und Wilhelm Keppler, Hitlers persoenlichen Wirtschaftsberater. Ter Meers Bericht ueber diese Zusammenkunft besagt unter anderem:

Keppler haelt den beschleunigten Bau einer Grossanlage fuer erforderlich. Durch die schnell fortschreitende Motorisierung des Heeres sei es noetig, das Problem des kuenstlichen Kautschuks mit grosstem Nachdruck zu behandeln. Dies sei eine Forderung sowohl des Fuehrers, wie auch der massgebenden militaerischen Stellen

von Flomberg und Liese. Nach laengerer Aussprache wird folgendes Vorgehen in Aussicht genommen:

- (1) Die I.G. baut voraussichtlich in Piesteritz eine Fabrik fuer 200 bis 250 Moto synth. Kautschuk, die auf 1.000 Mot erweiterungsfahig angelagt wird;
- (2) die Anlage soll mit groesster Beschleunigung ausgefuehrt werden. Die unverbindlich angegebene Bauzeit von einem Jahr wird nach Moeglichkeit abgekuerzt.
- (4) Koppler verpflichtet sich, mit den militaerischen Stellen zu verhandeln und zu erreichen, dass eine Abnahmegarantie fuer mehrere Jahre zu einem festgesetzten Preise gegeben wird.
- (6) Mit dem Bau soll unverzueglich begonnen werden, sobald die vorgesehenen Abnahmegarantien der militaerischen Stellen vorliegen.

Spaeter besprach Koppler die Angelegenheit mit Hitler und dann mit dem Reichsfinanzminister, um fuer die I.G. die noetige Sicherheit fuer den Bau der Fabrik, die in der Tat im naechsten Jahre errichtet wurde, zu bekommen. Der von Koppler an Ter Meers Stellvertreter geschriebene Brief, der nach seinen Besprechungen mit Hitler und dem Finanzminister geschrieben wurde, enthielt unter anderem Folgendes:

Wie Sie wissen, hat der Fuehrer das groesste Interesse daran, dass der Bau der Anlage nach Moeglichkeit beschleunigt wird. Ich bitte Sie daher, Ihre Projektierungsarbeiten nach wie vor weiterzufuehren und mit dem Bau zu beginnen, sobald ueber die Hauptfragen eine Einigung zwischen uns zustande gekommen ist. Dies entspricht ja auch dem Vorschlag Ihres Herrn Dr. Ter Meer.

Das Jahr 1935 sah auch die Entwicklung enger Beziehungen zwischen der I.G. und Goering auf dem Wege ueber Carl Bosch und den Angeklagten Krauch auf der einen Seite, und ueber General Erhardt Milch und andere hohe Beamte des Reichsluftfahrt-Ministeriums andererseits. Milch besuchte mit einer Anzahl seiner Untergebenen die I.G.-Anlagen am Oberrhein und schrieb unter anderem nach seiner Rueckkehr nach Berlin an Krauch wie folgt:

..... Ich moechte Ihnen noch speziell fuer den freundlichen Empfang danken, den Sie uns in Oppau zuteil werden liessen. Alle Teilnehmer waren tief beeindruckt von den informativischen Unterredungen und den Demonstrationen, die ihnen dort gegeben wurden. Ich selbst

habe General Goering, der speziell an Fragen dieser Art interessiert ist, unverzüglich unterrichtet. Sofort nach Beendigung seiner Sommerferien beabsichtigt er, Sie zu einem gemuetlichen Besuch nach Karinhall in der Schorfheide aufzufordern, damit er ebenfalls mit Ihnen die weitergehenden Gesichtspunkte besprechen kann.

Krauch dankte fuer diesen Brief in der gleichen herzlichen Weise und drueckte seine Freude darueber aus, dass Milchs Besuch "die Moeglichkeit zur Erörterung aller Fragen der deutschen Luftfahrt" geliefert habe. Einige Monate spaeter erwiderten Carl Rosch und Krauch mit anderen hohen Beamten der I.G. diesen Besuch und waren Milchs Gaeste im Luftfahrtministerium. Der Dankbrief der I.G. enthielt die Mitteilung, dass Rosch dem Zentralausschuss des Vorstandes der I.G. einen Bericht erstattet habe, in dem er "betonte, wie sehr ihn die vielen neuen Dinge, die wir auf unserm Besuch bei Ihnen zu sehen den Vorzug hatten, beeindruckten". Die bedeutsameren Folgen dieses Staatsbesuchs und dieses Koeflichkeitsaustausches wurden im folgenden Jahr offenbar.

D. 1936.

Die Faehigkeit nachtraeglicher Einsicht ist unter Menschen viel verbreiteter als wahre Voraussicht. Wenn man vom Jahre 1947 zurueckblickt und sich der in diesen und anderen Dokumenten enthaltenen Informationen bedient, scheint es, dass jeder intelligente Mensch vom Augenblick^{an} wo Hitler die Macht ergriff, haette erkennen sollen, dass das Dritte Reich unvermeidlich dem Kriege entgegentrieb. Waehrlich, es gab viele, die das voraussahen und ihre warnende Stimme erhoben. Wenn man aber auch die menschliche Leichtglaebigkeit und Gleichgueltigkeit und den natuerlichen, wenn auch dankfaulien Optimismus, der uns immer die Hoffnung vergaukelt, es werde sich alles irgendwie wieder einrenken, voll in Rech-

nung stellt, die Schlussfolgerung ist doch unausweichlich, dass lange vor dem Angriff auf Polen und dem Einfall in Oesterreich und die Tschechoslowakei alle hochgestellten Beamten des Dritten Reiches und die einflussreichen Maenner, die mit ihnen Geschaefts machten und Zugang zu amtlichen Informationen und Ansichten hatten, gewusst haben muessen, dass es zum Kriege kommen musse, wenn sie auch nicht genau wussten, wann und wie er zum Ausbruch kommen werde. Viel spricht fuer die Annahme, dass allerspaetestens im Jahre 1936 eine solche Schlussfolgerung sich diesen Maennern aufgedraengt haben muss.

Im Maerz 1936 brachte das Dritte Reich seine kleine aber heranwachsende militaerische Macht zum ersten Mal zur Anwendung, als Deutsche Truppen die entmilitarisierte Zone des Rheinlandes besetzten. Dies aenderte nicht die Gebietsgrenzen des Reiches, aber es aenderte die militaerische Lage aufs entschiedenste und es war seit dem Jahre 1918 das erste Mal, dass deutsche Truppen auf deutschem Befehl hin marschierten, um eine internationale politische Streitfrage durch die Anwendung von Gewalt beizulegen.

Andere Ereignisse, die in den Zeitungen weniger sensationell aufgemacht wurden, hatten vielleicht viel grossere Bedeutung. Hjalmar Schacht war als Wirtschaftsminister und Generalbevollmaechtigteter fuer die Kriegswirtschaft bei der Gestaltung der deutschen Wehrmacht fuer den Krieg die leitende Figur gewesen. Viele Dokumente belegen die Tatkraft und Entschlossenheit, mit der Schacht diese Aufgabe ausfuehrte. Jedoch, wie der Internationale Militaergerichtshof feststellte:

Im April 1936 begann Schacht seinen Einfluss als Zentralfigur bei den deutschen Aufruestungsanstrengungen zu verlieren, nachdem Goering die Kontrolle der Rohstoffe und Devisen uebertragen worden war. Goering befuehwertete ein stark erweitertes Programm zur Produktion von synthetischen Rohstoffen, dem sich Schacht mit der Be-

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gründung widersetzte, dass die daraus erwachsende finanzielle Ueberspannung eine Inflation zur Folge haben könnte. Schachts Einfluss verminderte sich weiter, als Goering am 16. Oktober 1936 zum Generalbevollmächtigten fuer den vierjahresplan ernannt wurde mit der Aufgabe, "die Gesamtwirtschaft innerhalb vier Jahren in einen Zustand der Kriegsberoeitschaft zu versetzen." Schacht hatte sich der Anknuepfung dieses Planes und der Ernennung Goerings zum Leiter desselben widersetzt, und offensichtlich bedeutete Hitlers Vergehen die Entscheidung, dass Schachts Wirtschaftspolitik fuer die draetische Aufruestungspolitik, die Hitler einschlagen wollte, zu konservativ war.

Nach Goerings Ernennung wurden Schacht und Goering bald in eine Reihe von Auseinandersetzungen verwickelt. ... Als Folge dieser Auseinandersetzungen und eines bitteren Streites, bei dem Hitler Schacht beschuldigte, dass er mit seinen finanziellen Methoden seine Plaeene steuere, nahm Schacht am 5. September 1937 Urlaub vom Wirtschaftsministerium und trat am 16. November 1937 von seinem Posten als Wirtschaftsminister und Generalbevollmächtigter fuer die Kriegswirtschaft zurueck.

Die Bedeutung der in diesem Zusammenstoss zwischen Goering und Schacht aufgeworfenen Streitfragen kann kaum uebertrieben werden. Der Internationale Militaergerichtshof stellte fest: "Schon im Jahre 1936 begann Schacht eine Begrenzung des Aufruestungsprogramms aus finanziellen Gruenden zu befuerworten. Wenn die von ihm befuerwortete Politik in die Tat umgesetzt worden waere, so waere Deutschland auf einen allgemeinen europeischen Krieg nicht vorbereitet gewesen."¹

In diesem Streit zwischen Goering und Schacht und in Bezug auf die strittigen Punkte bestand fuer die I.G. keine Frage, wo sie stand. Trotz Schachts Stellung als Generalbevollmächtigter fuer die Kriegswirtschaft waren die Beziehungen zwischen der I.G. und Schacht auffallend gering gewesen. Die Beziehungen der I.G. mit Goerings Luftfahrtministerium, mit seinem Stellvertreter Milch, begannen dagegen unmittelbar nach der Machtergreifung und wurden staendig enger. Jahrelang hatte die I.G. ihre Zukunft auf die eine Karte der synthetischen Produkte, besonders Benzin und Gummi, gesetzt, und Goering, ueberschaumend, optimistisch

¹ Urteil des Internationalen Militaergerichtshofes, Band 1, Prozess gegen die Hauptkriegeverbrecher, Seite 348/9

und extravagant, war der grosse Verkämpfer eines "gross ausgedehnten Programmes fuer die Herstellung von kuenstlichen Rohstoffen, dem Schacht Widerstand entgegensetzte".¹

Es war kein Zufall, dass der I.G.-Vertrag fuer kuenstliches Benzin im Jahre 1933 nach Verhandlungen mit Milch durch das Luftfahrtministerium arrangiert wurde. Es war kein Zufall, dass, als im Jahre 1935 im Falle des synthetischen Gummi dieselbe Frage auftauchte, die I.G. nicht zu Schacht ging, der, was auch seine Fehler sein moegen, kein Dummkopf war und dessen Klugheit unter den Industriellen und Finanzmaennern nicht nur in Deutschland, sondern auch ueberall im Auslande, anerkannt war. Sie ging stattdessen zu Koppler, einem national-sozialistischen Volkswirtschaftler, einem Dunkelmann, mit wenig praktischer Erfahrung, dem Hitler zu dieser Zeit sein Ohr lieh, aber bald in dunkle diplomatische Manoeuvr abtrieb. Schliesslich war es auch kein Zufall, dass die Verhandlungen ueber den Vertrag ueber synthetischen Gummi im Jahre 1935 mit dem Austausch von Besuchen zwischen der I.G. und dem Luftfahrtministerium zeitlich zusammenfielen, ueber die sich Goering auf dem Wege ueber Milch so wohlwollend aussprach.

In seiner neuen Eigenschaft als Gleichschalter fuer Rohstoffe und fremde Waehrungen berief Goering auf den 26. Mai 1936 eine Sitzung seiner Hauptberater ueber Rohstofffragen ein. Der Angeklagte Schmitz besuchte mit Vertretern des Krieges und Luftfahrtministeriums und anderen hohen Regierungsbeamten diese Versammlung. Fragen der Belieferung fuer den "A-Fall" (Deckname fuer "Kriegsfall") wurden erortert. Goering betonte, dass Deutschland im Kriege von jedem Benzinimport abgeschnitten sein werde, dass die Kriegsfuehrung, da ja eine mechanisierte Armee und Flotte von Benzin abhaenge, vollkommen von der Loesung des Benzinproblems abhinge. Goering erklarte auch: "Gummi ist

¹ Idem, Seite 348.

unsere Schwäche". Jeder Verhandlungsgegenstand, Benzin und Gummi eingeschlossen, wurde auf der Versammlung unter dem Gesichtspunkte militärischer Bedürfnisse fuer den Kriegsfall erörtert.

Am 8. September 1936 kündigte Hitler auf dem Nuernberger Parteitag die Aufstellung des Vierjahresplanes an und die Ernennung Goerings zum Bevollmaechtigten mit der Aufgabe, in vier Jahren "die ganze Wirtschaft in einen Zustand der Kriegsbereitschaft" ¹ zu versetzen. Das Amt fuer den Vierjahresplan wurde beauftragt, genaue Programme fuer die Entwicklung der Leistungsfähigkeit der Fabriken auf allen fuer den Krieg wichtigen Gebieten, Chemikalien, Gummi, Benzin und Sprengstoffe eingeschlossen, auszuarbeiten. In einem Memorandum an Goering, das die Ziele des Vierjahresplanes auseinandersetzte, erklärte Hitler, dass die Endlösung des deutschen Problems in der Erwerbung neuer Gebiete liege; dass dieser Erwerb Aufgabe der "politischen Fuehrung" sei und dass die deutsche Wirtschaft, damit die "politische Fuehrung" ihrer Verantwortung nachkommen koenne, zum Zwecke der Unabhaengigmachung Deutschlands in Bezug auf knappe Kriegsmaterialien mobilisiert werden muesse.

Zwar war es Hitlers Stimme, doch war es eine Aufgabe fuer die I.G. Fuer das erste Halbjahr, vom Oktober 1936 bis zum Mai 1937, sehen die Vorhaben des Vierjahresplanes Anlagen von fast einer Milliarde Reichsmark vor, hauptsächlich in Kraftanlagen, Mineralölen, Eisen und anderen Metallen, Textilien, Chemikalien und Explosivstoffen. ² Etwa 2/3 dieser ganzen Summe sollte fuer Erzeugnisse der I.G. verwendet werden. Aus diesen Zahlen kann man leicht ersehen, wieviel fuer die I.G. im Vierjahresplan auf dem Spie-

1

Urteil des Internationalen Militaergerichtshofes, Band 1, Prozess gegen die Hauptkriegsverbrecher, Seite 348.

2

"Allgemeine Planungs-Unternehmen", herausgegeben vom Amt fuer Deutsche Roh- und Werkstoffe; 27. Mai 1937.

le stand, zu dessen Annahme Goering ueber Schachts Einwaende hinweg, Hitler ueberredete. Ebenso leicht kann man sehen, wie vollkommen Hitler und Goering in der Durchfuehrung des vierjahresplanes von der I.G. abhingen.

Kurz nachdem der vierjahresplan ins Leben gerufen worden war, und, wie aus vorhergehenden Reden und Sitzungen klar ersichtlich, in voller Erkenntnis seines Wesens und seiner Aufgabe, empfahl Carl Bosch Goering, dass er den Angeklagten Krauch zur Beratung bei der Planung und Leitung der Abteilung Chemie des Wiederaufruestungsprogramms bestelle. Krauch wurde zum Chef der Abteilung Forschung und Entwicklung im vierjahresplan ernannt, jener Abteilung die dafuer verantwortlich war, Deutschland zum Selbstversorger fuer den Krieg zu machen.

Wahrlich, man konnte nicht langer irgendwelche Zweifel hegen: mit der Geschwindigkeit eines D-Zuges raste Deutschland dem Kriege entgegen. In Hitlers Gegenwart hielt Goering im Dezember 1936 im Frousenhaus zu Berlin eine Ansprache, worin er einer grossen Versammlung von Regierungsfunktionaeren und Industriellen die Ziele des vierjahresplanes erklarte. Dabei waren Bosch und die Angeklagten Krauch und von Schnitzler anwesend. Goering machte die Absicht und den Entschluss der National-Sozialistischen Regierung, Krieg zu fuehren, klar: "Die Auseinandersetzung, der wir entgegengehen, verlangt ein riesiges Ausmass von Leistungsfahigkeit. Es ist kein Ende der Aufruestung abzusehen. Allein entscheidend ist hier Sieg oder Untergang. Wenn wir siegen, wird die Wirtschaft genau entschaedigt werden." Er schloss seine Rede: "Unser ganzes Volk steht auf dem Spiel. Wir leben in einer Zeit, in der die Entscheidungsschlacht in Sicht ist. Wir befinden uns schon kurz vor der Mobilmachung und wir sind wirklich schon im Kriegszustand. Das einzige, was noch fehlt, ist das wirk-

liche Schiessen." Ein paar Tage spaeter erstattete von Schnitzler den verantwortlichen Leitern der I.G. einen vertraulichen Bericht ueber die Reden Hitlers und Goerings bezueglich der Aufgaben der deutschen Wirtschaft bei der Durchfuehrung des Vierjahresplanes." Es war symbolisch, dass die erste Anlage der I.G. fuer die Massenherstellung von synthetischem Gummi im Jahre 1936 in Schkopau errichtet wurde. Die jaehrliche Erzeugung belief sich auf 70.000 Tonnen und die Gesamt-Kapitalanlage ueberstieg 400 Millionen Mark.

Sicherungs-Verkehrungen, die ohnehin schon scharf waren, wurden noch weiter verstaerkt. Die Werkfuhrer der I.G. mussten im voraus die Zustimmung zu Besuchen von Auslaendern erlangen, die irgendetwas besichtigen wollten, das mit "Ruostungserzeugung" zu tun hatte. Wie klar diese Sicherheitsverkehrungen den bevorstehenden Krieg ahnen liessen, zeigt sich an einer im Dezember 1936 erlassenen Anordnung der Vermittlungsstelle 7, welche sich auf Kriegsmaterialien, Explosivstoffe, Materialien fuer die chemische Kriegfuhrung, Treib- und Schmierstoffe besonderer Art und andere strategische Erzeugnisse bezog. Die Anweisung besagte:

Eine Geheimhaltung von neuen Verfahren auf den genannten Gebieten ist auf jeden Fall erforderlich, wenn durch diese neuen Verfahren entweder voellig neuartige, bisher unbekannte Stoffe erzeugt werden oder, wenn bereits bekannte Stoffe in wesentlich verbesserter Qualitaet hergestellt werden koennen. Ferner kann ein neues Verfahren dann geheimhaltungspflichtig sein, wenn hierdurch die autarke wehrwirtschaftliche Kraft eines eventuellen Gegners im A-Falle bedeutend gestaerkt wird, zum Beispiel wenn ein vorhandener Rohstoffmangel in dem betreffenden Land fuer die Herstellung eines kriegswichtigen Produktes durch das neue Verfahren behoben wird.

Die Aussonstollen der I.G. im Auslande wurden in zunehmendem Umfange ein Netzwerk der Propaganda und der Spionage. Im Jahre 1936 machte der Angeklagte Ilgner eine ausgedehnte Inspektionsreise zu den Organisationen der I.G. in Latein-Amerika und reorganisierte die Taetigkeit der I.G.-Verbindungsmanner. Von diesem Zeitpunkt an hatten diese

monatliche Berichte ueber wirtschaftliche, politische und militaerische Angelegenheiten zu unterbreiten. Alle Berichte und "interessante Informationen", die vom Ausland ein-
gingen, wurden dem Wehrwirtschaftsstab, der OKW/Abwehr und der Auslandsorganisation der NSDAP zur Verfuegung gestellt. Diese Berichte enthielten politische Kommentare ueber die Zusammensetzung neuer Regierungen, ueber die Auswirkungen der amerikanischen und der englischen schwarzen Listen, ueber politische Auswirkungen der taeglichen Ereignisse in den betreffenden Laendern, ueber Propaganda fuer und gegen die Achse, ueber die Zwecke diplomatischer Sondermissionen und Versaenderungen im diplomatischen Korps. Nachrichten von militaerischem Interesse, die in diesen Berichten enthalten waren, waren Hinzugefuegt bei den Handelsflotten der verschiedenen latein-amerikanischen Laender, Berichte ueber Schiffsbewegungen, Statistiken der Tonnage in den Haefen, Bau neuer Landstrassen und Bruecken, und der Versand von Kriegsmaterialien nach den Vereinigten Staaten und Gross-Britannien.

1936 war in der Tat ein schicksalreiches Jahr.. Dem Angeklagten von Schnitzler zufolge:

....mit dem zunehmenden Tempo nach 1936 wurde die Wehrmacht der ueberwiegende Faktor bei der ganzen Sache. Seit 1934 wurde eine starke Tendenz mehr und mehr fuehlbar, in unseren Betrieben Investitionen fuer Produktionsrueter von entscheidender militaerischer Bedeutung vorzunehmen, wobei das Hauptziel war, das Kriegspotential Deutschlands zu erhoehen. In der ersten Zeit war eine der wesentlichen Bestrebungen, Deutschland durch Anwendung autarkischer Methoden von Einfuehren aus dem Auslande unabhangig zu machen. Nach dem Jahre 1936 nahm diese Tendenz einen vollkommenen militaerischen Charakter an und Gruende militaerischer Natur standen im Vordergrund. Zugleich wurden damit die Beziehungen zwischen I.G. und der Wehrmacht immer intimer und daraus ergab sich eine staendige Vereinigung zwischen den leitenden Beamten der I.G. einerseits und den Vertretern der Wehrmacht andererseits.

Fuer die deutsche Industrie war 1937 das Jahr der Mobilisationspläne. Die Vermittlungsstelle W war Verbindung der I.G. zu den Kriegs- und Wirtschaftsministerien fuer die Vorbereitung der Mobilisierungspläne in den I.G.-Fabriken. Der Angeklagte Kuchne zum Beispiel fuhrte sogenannte "taktische Uebungen" in seiner Fabrik in Leverkusen durch, nach denen die Vermittlungsstelle W ihm folgendemassen schrieb:

Im Zusammenhang mit dem Planspiel besprachen wir bereits mit Ihnen, dass nunmehr auch die Planungsarbeiten fuer Leverkusen aufgenommen werden sollen. Es waere uns daher sehr erwuenscht, wenn Sie uns vorbereitend eine Aufstellung senden wollten, in der die einzelnen Abteilungen Leverkusens bereits aufgefuehrt und gekennzeichnet sind. Es ist dabei zwischen den drei Abteilungen zu unterscheiden:

- (1) Betriebe, die im A-Falle voll laufen muessen.
- (2) Betriebe (Zwischenprodukte und Endstufen), die nur begrenzt um Arbeiten kommen werden.
- (3) Betriebe, von denen heute schon zu uebersehen ist, dass sie waehrend des Krieges nicht arbeiten werden.

Im Laufe des Jahres fuhr die Vermittlungsstelle W fort, die Pläne fuer die Umstellung der verschiedenen Fabriken zur Kriegswirtschaft gleichzurichten. Diese Pläne befassten sich mit so vielen Fragen, wie zum Beispiel, welche Verfahren und Erzeugnisse, die nur im Frieden nuetzlich waren, unter dem Druck des Krieges aufgegeben werden konnten, welche andern rasch auszudehnen seien, und wie man der Schwierigkeit Herr werden koenne, die sich daraus ergebe, dass Angestellte zum Kriegsdienst einbezogen wurden. Etwa um die Mitte des Jahres war die Mehrheit der I.G.-Fabriken von der Vermittlungsstelle W vollstaendig unterrichtet worden, ueber Wesen und Ziele der auszufuehrenden Mobilisierungsaufgaben. Vorkehrungen wurden getroffen, um die Fabriken mit dem noetigen Personal und Material fuer die Durchfuehrung der Mobilisierungspläne zu versorgen.

Die Mobilisierung der deutschen Wirtschaft wurde symbo-

lich in einer Zeremonie vollzogen, welche den führenden Industriellen eine halb-militärische Stellung einräumte, obwohl sie keine Uniform trugen. Im März wurden verschiedene hohe I.G.-Funktionäre durch ein Schreiben davon unterrichtet, dass der Reichskriegsminister und Oberbefehlshaber der Wehrmacht (von Blomberg) angeordnet habe:

..... mit sofortiger Wirkung ein wehrwirtschaftliches Fuehrerkorps aufzustellen. Die Wehrwirtschaftsfuehrer sollen die verantwortlichen Mitarbeiter der Wehrmacht sein bei der Vorbereitung und Durchfuehrung der Mobilisierung der Ruestungsindustrie und bei ihrer Leitung im Kriege. In ihrer Bedeutung, ihren Aufgaben und Pflichten der Ruestungswirtschaft entsprechen sie etwa den Offizieren des Beurlaubtenstandes bei der Truppe.

Vollmachten und Aufgaben der Wehrwirtschaftsfuehrer wurden von General Warlimont, vom Wehrwirtschaftsstab der Wehrmacht z.T. folgendermassen beschrieben:

A. Im Frieden:

1. moeglichst weitgehende Einstellung der Ruestungsbetriebe auf den Mob-Fall, insonderheit die Mitarbeit bei den Kalenderverarbeiten der Ruestungsbetriebe;
2. Die Ableistung von Pflichtuebungen zur Aus- und Weiterbildung fuer die vorgesehene Mob-Verwendung..
5. die Vorbereitung und Durchfuehrung des Werkluftschutzes und die Ausbildung von Werksangehoerigen im Luftschutz;
6. die Vorbereitung und Durchfuehrung des Abwehrdienstes innerhalb des Werkes.

B. Im Kriege:

1. Umstellung vorhandener und Einstellung neuer Ruestungsbetriebe auf die Kriegsfertigung in Ausfuehrung des Mob-Kalenders des Betriebes;
2. Die Fuehrung der Ruestungsbetriebe unter Wahrung der Belange der Landesverteidigung;
3. Verstaerkung der wehrwirtschaftlichen Dienststellen bzw. Staabe der Wehrmacht.

Die Angeklagten Krauch und Schmitz wurden 1938 zu Wehrwirtschaftsfuehrern ernannt, spaeter von Schnitzler, Gajewski, Tor Meer, Ambros, Buergin, Buetefisch, Ilgner, Jaehne, Leutenschlaeger und Wurster.

Im Jahre 1937 verstärkte sich das Bemühen der I.G. auf dem Gebiet der Munitionsherstellung. Die I.G.-Fabrik in Bitterfeld war mit der "technischen Entwicklung der modernen Elektron-Thermit-Brandbombe" beschäftigt. Das Heer war wegen "einer grossen Knappheit an Glycerin-Vorräten" besorgt und die I.G. baute in Wolfen eine geheime "Bereitschafts"-Fabrik fuer die Herstellung von Diglycol. Als sich eine andere chemische Firma Erkundigungen ueber diese Geheim-Anlage einholte, erwiderte die I.G., dass sie "urspruenglich nur als eine Bereitschafts-Fabrik fuer den Kriegsfall geplant war" und dass "wir zur strengsten Geheimhaltung verpflichtet sind und amtliche Erlaubnis brauchen wurden", um die Angelegenheit mit anderen chemischen Firmen zu erörtern.

Im September 1937 betonte I.G.'s neugeschaffener Kaufmannischer Ausschuss aufs Neue die politischen Gesichtspunkte der I.G. Der Ausschuss stimmte ueberein, dass:

Auf keinen Fall sollte jemand zu den Auslandsvertretungen der I.G. hinausgeschickt werden, der nicht der Deutschen Arbeitsfront angehört und dessen positive Haltung zur neuen Zeit feststeht. Den Herren, die hinausgeschickt werden, soll die Vertretung des national-sozialistischen Deutschland zur Pflicht gemacht werden. Insbesondere ist darauf hinzuweisen, dass sie sofort nach ihrem Eintreffen bei den Vertretungen mit der Orts- bzw. Landesgruppe Fuehlung nehmen und an ihren Veranstaltungen, desgleichen an denen der Arbeitsfront regelmässig teilnehmen.

Der Angeklagte Brauch kam im Sommer 1937 mit anderen hohen Regierungsfunktionären in Bruno Goerings zusammen, um die Eisen- und Stahl-Knappheit zu erörtern. Goering stellte fest:

In einem Augenblick wie jetzt koennen wir nicht ein Drittel der ganzen Eisengewinnung ausfuehren. ... Eine Tonne Halbfabrikate ins Ausland gebracht, bringt etwa RM 100.-- Devisen. Verwenden wir jedoch eine Tonne Eisen und verarbeiten sie zur Aufstellung von Betrieben des vierjahresplans, dann kann ich in den meisten Faellen feststellen, dass das vier bis funffache, ja sechs bis zehnfache an Devisen erspart wird. Der vierjahresplan wird dazu beitragen, die notwendige Grundlage zu schaffen, auf der die Aufruestung schneller geschehen kann. In der Wehrmacht muessen diejenigen Betriebe vorab-beruecksichtigt werden, die solche Dinge machen,

deren Herstellung lange dauert. Kriegsschiffe muessen unter allen Umstaenden ihr Eisen bekommen. Schiffgeschuetze und sonstige grosse Geschuetze gehoeren gleichfalls hierher. Wir koennen Suedoesteuropa fuer sein Getreide keine Halbfabrikate mehr geben. Ohne zwingende wirtschaftliche und politische Gruende werde ich keine Halbfabrikate mehr ins Ausland geben. Die Ausfuhr (von Eisen und Stahl) fuehrt leicht dahin, dass ~~man~~ die gegnerische Aufruestung erleichtert. Ich denke zum Beispiel an Grobbleche, die in der auslaendischen Ruestungsindustrie gebraucht werden.

Die von einem Vertreter der Eisen- und Stahl-Industrie erteilte Antwort spiegelt die gespannte Stimmung der Sitzung wieder:

Was die Eisenlieferungen nach den sogenannten feindlichen Laendern wie England, Frankreich, Belgien, Russland und Tschechoslowakei betrifft, so gehen nur 6 % dorthin. Das hilft den Englaendern nicht, ihre Ruestung aufrecht zu erhalten.

Der Hinweis auf die "sogenannten Feindstaaten" war keine leere rechnerische Floskel. Die Kriegswaffen wurden mit erschreckender Geschwindigkeit geschmiedet und die Stunde fuer ihren Gebrauch nahte rasch. Ende November berief Hitler seine auswaertigen Botschafter und die vier Chefs der Wehrmacht, darunter Hermann Goering, den Oberstkmdierenden der Luftwaffe. Was dabei gesagt wurde, ist im Urteil des Internationalen Militar-Gerichtshofes ausfuehrlich beschrieben.¹ Hitler verkuenndete seinen unwiderruflichen Entschluss, das Problem des deutschen Lebensraumes zu loesen" und gab zu verstehen, dass die Eroberung von Oesterreich und der Tschechoslowakei die ersten Schritte dazu seien. Danach, wie der Internationale Militargerichtshof feststellte: "Die Entscheidung, Oesterreich und die Tschechoslowakei einzunehmen, wurde ziemlich eingehend ercoertert. Sobald sich eine guenstige Gelegenheit bieten wuerde, sollte zur Tat geschritten werden." Im Falle Oesterreichs bot sich eine solche Gelegenheit in vier, im Falle der Tschechoslowakei in zehn Monaten. Der duostere Schatten des Dritten Reiches wuchs; die deutsche

¹ Band 1, "Der Prozess gegen die Haupt-Kriegsverbrecher", Urteil des Internationalen Militargerichtshofes, 210-213

Kriegsmaschine, welche die I.G. und andere deutsche Industrielle bauten und welche von der Wehrmacht zusammengestellt wurde, war daran, in Bewegung gesetzt zu werden.

PUNKT 1:
PLÄNE, VORBEREITUNGEN, BEGINN VON EINFÄLLEN
UND BEGINN UND FÜHRUNG VON ANGRIFFSKRIEGEN.

Wenn wir uns der Zeit der Kriege und Eroberungen zuwenden wird es zweckmässig sein, einen eingehenden Blick auf die Stellung der I.G. im Dritten Reich zu werfen. Wir haben gesehen, wie die Angeklagten Beziehungen zu Hitler im Jahre 1932 herstellten, wie sie ihn im Jahre 1933 zur Macht verhalfen und ihre Energie auf das Rüstungsprogramm verwandten. Die Dokumente haben gezeigt, welchen grossen Erfolg sie hatten, indem sie die Unterstützung Goerings und anderer hoher Funktionäre gewannen, und die beneidenswerte Stellung, die sie durch das Schwenden von Schachts Einfluss und die Annahme des Vierjahresplanes erlangten.

Aber es darf nicht uebersehen werden, dass es in Dingen, die in der Plattform nicht eindeutig erwähnt wurden, viele Schattierungen der Meinungen in der N.S. Partei gab. Dies traf auf die Leute an der Spitze ebenso wie auf die in den Reihen zu. Die Partei hatte viele Anhänger aus den Reihen jener gewonnen, die Kapitalisten und grosse Konzerne nicht gern sahen. Unter diesem sogenannten radikalen Flügel der Partei wurden die Bezeichnungen "Kapitalist" und "Jude" oft zusammengeworfen. Und die nationalsozialistische Parteipresse brachte solche Ansichten oft zum Ausdruck - manchmal mit grossem Nachdruck.

Diese nationalsozialistische Form des Antikapitalismus war eine Quelle dauernder Besorgnis für die Angeklagten. Unter den Männern, mit denen sie hauptsächlich verhandelt hatten, wie z.B. Goering, Milch und den Wehrmachtsoffizieren, war sie nicht sehr verbreitet. Als Folge der Gebietsausdehnung, jedoch entstanden zuerst im Jahre 1938 neue Situationen. In den Ländern, deren Besetzung bevorstand, gab es wertvolle chemische und andere Anlagen, und die I.G. musste ihren Privatkrieg zur Erwerbung dieser Anlagen und zur Vergrösserung des Reiches der I.G. führen. Von den Eigentümern dieser Konzerne hatte die I.G. nichts zu befürchten, aber der Wettbewerb und die Opposition anderer Mächte in Deutschland konnte nicht ausbleiben.



bleiblich, dass sich Stimmen erhoben wurden, die den "Anspruechen" der grossen Gesellschaften wie der I.G. entgegenstehen und Uebernahme des Eigentums durch den Staat oder die Ansprueche anderer befuerworten wurden. In dieser Hinsicht lernte die I.G. viel und schnell aus der Besetzung Oesterreichs.

A. 1938

Im Zuge des Fortschritts der Eroberungen entwickelten sich die von der I.G. gewählten Methoden zur Loesung dieser neuen Probleme. Im Jahre 1935 wurden sich die Angeklagten schon stark der Notwendigkeit bewusst, dass die I.G. trotz ihrer Grosse und ihres Reichtums auf einer breiteren Grundlage von der NSDAP anerkannt werden musste. Am 31. Juli erschien ein Artikel in den offiziellen Parteiorgan der NSDAP, dem Voelkischen Beobachter, ueber die I.G. Er war von dem Hauptschriftleiter Dr. Fritz Nonnenbruch verfasst, und sein Inhalt erhellte gleichzeitig die lebenswichtige Rolle der I.G. in der deutschen Kriegswirtschaft und den Unterton von Feindseligkeit in gewissen Kreisen der Partei, die die I.G. zu ueberwinden versuchte. Auszugsweise hiess es dort:

Die Chemie hielt in diesen Jahren ihren Einzug in die nationale Produktion in einem Umfange, der trotz der Bedeutung, die die chemische Industrie fruher schon gehabt hat, nicht vorausgesehen werden konnte. Was heute die chemische Industrie ist, wird daraus ersichtlich, dass sie in vorderster Linie die nationale Rohstofffreiheit zu sichern gestattet, die fruher zu erobern vielfach fuer unmoeglich gehalten worden ist. Einer der Pfeiler der Bruecke ueber dieses "Unmoeglich" hinueber ist die I.G. Farben. Man hat ueber dieses Werk denken koennen, wie man gewollt hat, und wie es fruher vielleicht berechtigt gewesen ist: Jetzt ist dieses Werk eine Bastion im deutschen Kampf um die Rohstofffreiheit.

Es genuegt, die Namen des synthetischen Benzins und des synthetischen Kautschuks zu nennen. Was diese beiden Verfahren allein fuer die deutsche Volkswirtschaft wert sind, laesst sich nicht in Geld ausdruecken, ebensowenig wie der Preis eines Glases Wasser fuer den, der dieses Wassers dringend zur Erhaltung seines Lebens bedarf. Dass wir das synthetische Benzin und den synthetischen Kautschuk haben, ist nicht nur eine Bereicherung unserer Produktion, sondern es ist mehr, naemlich ein Beitrag zur Sicherung unserer Freiheit. Das synthetische Benzin und der synthetische Kautschuk sind nicht das einzige, was uns die I.G. Farben gegeben hat, nachdem fruher schon aus den Werken dieses Unternehmens dem deutschen

Volk der synthetische Stickstoff zugekommen ist.....

Wichtig aber ist, dass die I.G. Farben ihre chemischen Verfahren nicht hatte entwickeln können, wenn sie nicht der Grosskonzern gewesen wäre, der sie ist. „Es hätten wir im Weltkrieg ohne den künstlichen Stickstoff gemacht? Es würden wir jetzt ohne das synthetische Benzin und ohne den synthetischen Kautschuk machen? Und wie wären unsere Hoffnungen beschränkt, wenn wir nicht das feste Wissen hätten um neue synthetische Verfahren, die kommen werden? Diese Leistungen bestätigen die Notwendigkeit der Grosskonzerns.

Noch interessanter ist der Begleitbrief, der mit einem Abdruck dieses Artikels an den Angeklagten von Schnitzler gesandt wurde. In dem Brief erwähnte der Verfasser, „es sei das erste Mal, dass die fundamentale Frage der Berechtigung grosser Konzerne, wie die I.G., in solch einer positiven Art und Weise aus dieser politischen Atmosphäre behandelt wurde.“ Der Schreiber erwähnte weiterhin, dass dieser Artikel geschrieben worden war „nachdem Dr. Nornenbruch Leverkusen besucht hatte“ und „nachdem die persönlichen Beziehungen zwischen ihm und mir selbst bei jeder möglichen Gelegenheit verbessert wurden.“ Der Schreiber dieses Briefes war der Chef der Presseabteilung des NW 7-Büros der I.G. und der direkte Untergebene des Angeklagten Ilgen. Die Angeklagten waren erfindungsreiche Leute.

1. Einfall in Oesterreich und seine Besetzung.

Am 12. März 1938 fiel Deutschland in Oesterreich ein. Diese Handlung war, wie der Internationale Militärgerichtshof feststellte, eine „mit Ueberlegung begangene Angriffshandlung“¹, aber der Zeitpunkt dafür war nicht im Voraus geplant worden; er wurde im Gegenteil herbeigeführt, selbst fuer Hitler unerwartet, durch Schuschnigg's Ankündigung am 9. März, dass eine Volksabstimmung ueber die Frage der oesterreichischen Unabhaengigkeit abgehalten werden solle.

Seit Jahren hatte die I.G. Oesterreichs grösstes chemisches Unternehmen, die Pulverfabrik Skodawerke-Wetzlar A.G. begehrt - und vergebens

begehrt. Die Mehrheit dieses Unternehmens war in den festen Händen einer der hauptsächlichsten Banken Oesterreichs, der Oesterreichischen Kreditanstalt. Die I.G. hatte sich mit dem Generaldirektor der Skodawerke-Wetzlar A.G., Herrn Pollak, in Verbindung gesetzt und auch den führenden Mann der Kreditanstalt sondiert. Aber trotz des Drucks, unter dem Oesterreich nach der Ermordung von Dollfuß lebte und trotz der Tatsache, dass Pollak ein Jude war und guten Grund hatte, besorgt zu sein, schlugen alle Versuche der I.G. zur Erwerbung der Skodawerke-Wetzlar A.G. fehl. Noch im Februar 1938 schrieb Pollak einem Mitglied des I.G.-Vorstandes: "Aus Gründen, die nicht in unserer Macht liegen, ist es nicht möglich, von unserem Standpunkt abzugehen, dass die Kreditanstalt 51% der Aktien bedingungslos fest in Händen halten muss (der Skodawerke-Wetzlar A.G.).....".

Einen Monat später bot der Einfall in Oesterreich der I.G. die gewünschte Gelegenheit. Goering ordnete sofort die Ausdehnung des Vierjahresplanes auf Oesterreich an und die I.G. druckte genau so prompt ihre Bereitschaft dazu aus, an dem "Wiederaufbau Oesterreichs teilzunehmen" und "stellte den Behörden ihre Mitarbeit zur Verfügung". Schon am 9. April hatte die I.G. Vorschläge ausgearbeitet mit dem Titel "Neuordnung der grösseren chemischen Fabriken Oesterreichs", die von den Angeklagten Haefliger und Kugler unterzeichnet waren. Dieses Dokument wurde unter anderem an Hitlers früheren Wirtschaftsberater, Wilhelm Keppler, geschickt, mit dem die I.G. Geschäfte auf dem Gebiet des synthetischen Gummis geschäft hatte, und der inzwischen ein hoher Beamter des Deutschen Auswärtigen Amtes in Wien geworden war. Der Bericht war eine solch unverhüllte Forderung, dass die oesterreichischen chemischen Industrien in Bausch und Bogen der I.G. ausgeliefert werden sollten, dass Keplers erste Reaktion war, sarkastisch anzufragen, "ob die I.G. beabsichtige, die gesamte oesterreichische chemische Industrie zu verschlucken."

I.G.s Taktiken waren jetzt aber viel mannigfacher und viel weniger angenehm, was immer der nationalsozialistischen Geisteshaltung zusagte wurde als Lockspeise benutzt. Wiederholt wies die I.G. in ihren Berichten

an die Reichsregierung darauf hin, dass es viele Juden in der österreichischen chemischen Industrie gebe, die durch Arier, vor allem durch I.G.-Leute, ersetzt werden sollten. Auf einer Sitzung des Kaufmännischen Ausschusses der I.G. wurde im Juni 1938 beschlossen, dass, "um einheitlich die Interessen der I.G. zu schützen, alle nichtarischen Angestellten der österreichischen Organisationen im Einklang mit der Anweisung von Geheimrat Schmitz beurlaubt bzw. baldigst entlassen werden sollten. Ebenso sind die Mitglieder des Aufsichtsrats und des Verwaltungsrats, soweit sie Nichtarier sind, zu ersuchen, ihre Sitze zur Verfügung zu stellen." So wurde in dem Bericht über die "Neue Ordnung" von Haefliger und Kugler, Anti-Semitismus gar nett mit dem wohlbekannten Hinweis auf die Beduerfnisse des Vierjahresplanes verkoppelt, und beide wurden zusammen vorgetragen als Gruende fuer die "baldige Vorabscheidung" der I.G.-Vorschlaege:

- a) Die leitenden Funktionaere sind zwar inzwischen durch Arier ersetzt worden. Die gleichfalls notwendige personelle Reorganisation in den unteren Stellen ist zweckentsprechend und auf Dauer berechnet jedoch erst dann durchfuhrbar, wenn Klarheit ueber das Zukunftsbild besteht.....
- c) Es sollte unversuehlich an die Vorbereitung der chemischen Grossindustrie Oesterreichs im Rahmen des Vierjahresplanes anfallenden Aufgaben herangegangen werden.

Durch solche Methoden und nachdem eine Anzahl I.G.-Direktoren, einschliesslich der angedachten Iljaev, Kugler, Haefliger und Gattinow bei Nazibankrott & Dr. Soyas-Ingenieur und Kepler vorstellig geworden waren, trug die I.G. den Sieg davon. Den Verbindungen der I.G. zu den österreichischen Nazifuehrern wurde dadurch bestens Vorschub geleistet, dass die I.G. eine sehr zeitnaehige Geldbeihilfe eines beruechtigten Nazi, Dr. Neubacher, der kurz nach dem Anschluss von Goerring personally zum Baergermeister von Wien ernannt wurde, gewahrt hatte, und der sich in der oesterreichischen Betaeetigung der I.G. als ausserordentlich nuetzlich erwies. Pollak, der juedische Geschaeftsfuehrer der Skoda Werke-Wetzlar, rief den I.G.-Vertreter in Wien herbei und raechte fuer ihn das Feld. Die Kreditanstalt unterwarf sich der Gewalt. Die Skoda Werke wurden ^{zu einem} Teil des I.G.-Reiches.

Diese Erwerbung war nur ein Schritt in der Unterwerfung der österreichischen Industrie durch die I.G. Anders, bei welchen ähnliche Taktiken angewandt wurden, folgten. Wenn die Anklage ihr Beweismaterial zum zweiten Anklagepunkt vorlegt, wird eine umfassende Darstellung der industriellen Ausplünderung Österreichs durch die I.G. gegeben werden.

Während die eben beschriebenen Handlungen ein gesondertes Verbrechen unter Anklagepunkt Zwei darstellen, stellen sie auch unter Anklagepunkt Eins ein Verbrechen dar, und die Beschuldigungen in Bezug auf Fluenderng und Raub wurden aufgrund des Absatzes 84 der Anklageschrift zum Bestandteil des Anklagepunktes Eins gemacht. Diese Handlungen waren ein wesentlicher Bestandteil des Einfalls in Österreich und dieser Einfall stellte eindeutig ein "Verbrechen gegen den Frieden" im Sinne des Kontrollratsgesetzes Nr. 10 dar. Die Besetzung Österreichs einschliesslich der Umstellung der österreichischen Industrie in Anpassung an die Bedürfnisse des Vierjahresplanes waren Teile der Vorbereitung Deutschlands fuer die Angriffskriege, die schon bald entfesselt werden sollten. Bei der Umstellung der österreichischen chemischen Industrie spielte die I.G. natuerlich die fuehrende Rolle.

2. Weitere Vorbereitungen.

Das Jahr 1938 war Zeuge einer verstaerkten Entwicklung der industriellen Mobilisierungspläne, die in allen I.G.-Fabriken im Vorjahre vorbereitet worden waren. Im Mai 1938 wurde eine Sitzung der Geschäftsfuehrer aller I.G.-Ruestungsfabriken durch die Vermittlungsstelle U einberufen, um die Mobilisierungspläne zu vervollkommen und um jene Personalprobleme zu erörtern, die sich "im Mobilisierungsfalle" und aus der Einberufung aller diensttauglichen Maenner im Dritten Reich zum Heeressdienst ergeben wuerden. Die Protokolle dieser Konferenz wurden an die Heeresstellen und die Leute der Einziehungsbehoerden in den verschiedenen Bezirkskommandos verteilt. Waehrend des ganzen Jahres, in jedem wichtigen Ausschuss der I.G., einschliesslich des Technischen Ausschusses, des Kaufmaennischen Aus-

schusses und der Farben- und Chemikalien-ausschusses "wurden Mob-Pläne eingehend besprochen mit dem Ziel, sie zum Zweck der sofortigen Durchführung bei Kriegsausbruch zu vervollkommen."

Im Sommer 1938, als der Einfall in die Tschechoslowakei vor der Tür stand, ergriff die I.G. die Initiative in der Neuorganisation des chemischen Programms des Vierjahresplanes im Einklang mit den Bedürfnissen der Kriegsführung. Goering ergriff Massnahmen, um das chemische Kriegsführungs- und das Explosivstoffprogramm zu beschleunigen, nachdem der Angeklagte Krauch ihn darauf hingewiesen hatte, dass die Zahlen, auf die sich Goering bei der Kriegsvorbereitung verlassen hatte, falsch seien und Kriegsplanung auf einer ungenauen Grundlage gefährlich sei. Am 12. Juli 1938 arbeiteten Krauch und Goering den sogenannten "Karinhall-Plan" (auch "Krauch-Plan" genannt) aus, der ein neues Programm fuer Giftgase, Sprengstoffe, Gummi und Benzin enthielt. Einige Tage zuvor hatte der Angeklagte Ambros die verwaltungsmässige Grundlage des Planes vorbereitet. Daraufhin wurde Krauch von Goering zum Generalbevollmächtigten fuer den Vierjahresplan fuer Sonderfragen der chemischen Erzeugung ernannt und mit den von Ambros vorgeschlagenen Verwaltungsvollmachten ausgestattet. Mit der Hilfe von Technikern in Schlüsselstellungen bei der I.G. arbeitete Krauch besondere Mobilisierungspläne fuer die chemische Industrie aus, einschliesslich eines Zuteilungs- und Vorzugsystems fuer Arbeitskräfte und Baumaterialien.

Im Sommer 1938 nahmen die Rüstungsarbeiten der I.G. ein fast rasendes Tempo an. Zusätzliche "Kriegslieferungsverträge" wurden mit der Wehrmacht abgeschlossen. Alle diese Verträge gaben die genauen Mengen und Bedingungen der Lieferungen an, die von der I.G. "im Falle einer Mobilmachung" gemacht werden. Das Problem der Lagerungsmöglichkeiten fuer zukünftige Lieferungen wurde von der Vermittlungsstelle untersucht. Das Heereswaffenamt befahl der Vermittlungsstelle die Produktionskapazität des Wolfenwerkes "bis zur im Augenblick grösstmöglichen Kapazität" zu erweitern. Leverkusen versandte zahlreiche Kisten mit Kriegsgasen.

Als die internationale Lage im Juli gespannter wurde, wurde das Reichsluftfahrtministerium besorgt, weil die I.G. Tetraäthylblei, welches fuer die Herstellung von hochoktanem Flugzeugbenzin von wesentlicher Bedeutung ist, nicht in fuer Kriegszwecke genuegenden Mengen erzeugte. Die I.G. erzeugte genuegend Tetraäthylblei fuer Deutschlands Friedensbedarf und erweiterte ihr Werk, um die Kriegsbeduerfnisse zu befriedigen, aber man hielt die Gefahr eines drohenden Krieges fuer so gross, dass das Luftfahrtministerium die I.G. dringend aufforderte, aus dem Auslande 500 t Tetraäthylblei zu besorgen und einzulagern, um die Zeit zu ueberbruecken, bis die I.G.-Werke das Defizit einholen koennten.

Ein Mitglied des Technischen Ausschusses der I.G., Maedler-Cunradi, setzte sich sofort mit dem Londoner Vertreter der Ethyl Export Corporation, eines amerikanischen Konzerns, in Verbindung. Der I.G. gelang es, 500 t Tetraäthylblei zu "borgen" und sie versprach, es bis zum Ende des Jahres 1939 der Ethyl Export Corporation zurueckzuerstatten. Die Anleihe wurde durch Hinterlegen von ungefaehr einer Million Dollar als Sicherheit erlangt. Die I.G. erklarte der Ethyl Export Corporation:

Die Einfuehrung des Bleitetraäthyls in das Autobenzin ist davon abh"angig, dass ein genuegender Vorrat von Bleitetraäthyl in Deutschland liegt.

Nachdem die I.G. sich das Blei durch diese Irrfuehrung gesichert hatte, gab sie es natuerlich Ende 1939 nicht zurueck, und der als Sicherheit hinterlegte Betrag verfiel.

Mit den Herannahen der Muenchener Krise hatten die Dinge einen solchen Hoehepunkt erreicht, dass es fuer die Beamten der I.G. und in der Tat fuer alle anderen verantwortlichen Amtstraeger und Industriellen unmoeglich war anzunehmen, dass die riesige Waffenherzeugung, die im Jahre 1938 einen uergaeblichen Umfang annahm, einen anderen Zweck haben koenne als dass das Dritte Reich einen Krieg zu fuehren beabsichtige. anzunehmen, dass solche riesigen Ruestungen nur der Verteidigung dienten, war ganz unmoeglich. Unmittelbar vor der Muenchener Konferenz im September 1938 und zwecks Verhuetung der Beschlagnahme ihres auslaendischen Eigentums arbeitete die I.G. nach Beratung mit Regierungsbeamten Verfahren

aus, die die I.G. ermächtigen, ihre ausländischen Guthaben durch Übertragung auf neutrale Treuhänder zu tarnen oder zu verkleiden.

3. Der Einfall in das Sudetenland und seine Besetzung:

Während der Besetzung Österreichs war es Deutschlands Politik, die leichtverständliche Angst der Tschechoslowakei mit besänftigenden Worten zu beschwichtigen. Goering und andere nationalsozialistische Amtsträger versicherten den tschechischen Vertretern wiederholt, ihr Land habe zu Befürchtungen keinen Anlass. Aber am Ende März traf sich Conrad Henlein, der Führer der sudetendeutschen Partei in der Tschechoslowakei, mit Hitler in Berlin, und die Konferenzen zwischen Hitler und seinen militärischen Führern gipfelten daraufhin gegen Ende des Monats Mai in einem Geheimbefehl, zum militärischen Eingreifen gegen die Tschechen bis zum 1. Oktober 1938 bereit zu sein. Wie der Internationale Militärgerichtshof feststellte:¹ "Diese Tatsachen beweisen, dass die Besetzung der Tschechoslowakei schon lange vor der Konferenz von München in ihren Einzelheiten geplant war."

Die I.G. war hoch empfänglich für die Aussicht auf die Annexion des Sudetenlandes und begann sofort sich mit dem Problem zu beschäftigen, was geschehen würde, wenn das tschechoslowakische Sudetenland und damit die Werke Aussig, Falkenau und möglicherweise Brüschau, Deutschland einverleibt werden sollten. Die Fabriken in Aussig und Falkenau, beide im Sudetenland gelegen, gehörten dem größten chemischen Konzern in der Tschechoslowakei, dem Prager Verein, der mit der I.G. besonders in Südosteuropa in scharfem Wettbewerb stand. Bereits am 2. April sondierte der angeklagte Haeffliger Koppler in Bezug auf den Erwerb der Aussiger Fabrik und berichtete: "Offenbar ist er an der Idee sehr interessiert."

1. Urteil des Internationalen Militärgerichtshofs, Band I, Prozess gegen die Hauptkriegsverbrecher, Seite 196.

Am 23. Mai 1938, vier Monate vor dem Einfall in die Tschechoslowakei und eine Woche vor Hitlers Geheimbefehl, militärisches Eingreifen vorzubereiten, fand in dem I.G.-Büro in Berlin Nr. 7 eine von dem Angeklagten Kugler besuchte Konferenz statt. Die Versammlungsteilnehmer erörterten die Ausschaltung der beiden einzigen Personen nichtarischer Abstammung in den Prager Verkaufsbüros und die Entlassung tschechischer Staatsangehöriger aus leitenden Stellungen. Die Versammlung beschloss:

Es ist anzustreben, dass Verkaufskonzessionäre der I.G. im Ausland finanziell nicht an jüdische Bankinstitute gebunden sind, da wir sonst mit dem Odium, mit jüdischen Firmen zusammenzuarbeiten, belastet sind. Darüber hinaus haben wir in Lande Österreich die Erfahrung gemacht, dass u.U. durch solche Besitzverhältnisse die Aktionsfreiheit unserer Vertretungen sehr beeinträchtigt wird, wenn diese jüdischen Banken durch Kommissare geführt werden."

Die Versammlung hielt es auch für zweckmässig, "schon jetzt beschleunigt Sudetendeutsche zur Ausbildung bei der I.G. im Interesse der Heranbildung des Nachwuchses für eine spätere Verwendung in der Tschechoslowakei anzustellen."

Im Juli 1938 wurde für den Handelsausschuss der I.G. ein Bericht über die chemische Industrie der Tschechoslowakei vorbereitet, und daraufhin leitete die I.G. mit den interessierten deutschen Behörden Verhandlungen ein und empfahl, ihre Vertreter zu Kommissaren zu ernennen, um den Betrieb und die Leitung der chemischen Werke des Sudetenlandes zu übernehmen und ihre Produktion in den Vierjahresplan einzugliedern. Je mehr der deutsche Druck auf die Tschechoslowakei zunahm, desto dringender wurden die Versuche der I.G., die Regierung zu überzeugen, dass, sobald das Sudetenland Deutschland einverleibt sei, die I.G. die Leitung der Fabriken übernehmen solle. Am 23. September 1938 hörte der Angeklagte Kuehne zu seiner Freude von Ter Meer und von Schnitzler "die erfreuliche Nachricht, dass es ihm gelungen ist, den zuständigen Behörden unser Interesse an Aussig klarzumachen, und dass sie den Behörden schon Kommissare vorgeschlagen haben, das ist Dr. Hurster und Kugler."

Am 29. September 1938, dem Tage, an dem der Münchener Pakt unterzeichnet wurde, berichtete der Angeklagte von Schnitzler über eine

Zusammenkunft mit Koppler: "Die Verhandlungen sind insoweit erfolgreich gewesen, als von allen Seiten anerkannt worden ist, dass, sobald das sudetendeutsche Gebiet unter deutscher Hoheit steht, die dort bestehenden Fabriken des Aussier Vereins, ohne Rücksicht auf die zukünftige Auseinanderrechnung mit der Hauptgesellschaft in Prag, treuhänderisch durch Kommissare verwaltet werden müssen für soviel, den es angeht." Der angeklagte Kuller wurde zusammen mit einem sudetendeutschen Ingenieur zum "Kommissar für die Aufrechterhaltung des Betriebs" ernannt. Am nächsten Tag telegraphierte der angeklagte Schütz an Hitler, dass er "von der Heimkehr Sudetendeutschlands, die Sie, mein Führer, bewirkt haben, tief beeindruckt sei", und dass die I.G. "Ihnen einen Betrag von 500.000 Reichsmark für Verwendungen im sudetendeutschen Gebiet zur Verfügung stellt." Am 1. Oktober rückten deutsche Truppen in das Sudetenland ein. Am 3. Oktober wurde Falkenau besetzt und am 9. Oktober Aussier. Nachden von deutschen Beamten auf Veranlassung der I.G. Druck in verschiedener Form ausübt worden war, um den Prager Verein zu seinem Willen zu zwingen, seine Fabriken in den Sudeten zu "verkaufen", fanden im November auf einer Versammlung in Berlin, der die angeklagten Schütz, von Schnitzler, Illner, Kuchaw und Kuller beiwohnten, die formellen "Verhandlungen" an. Eine Reihe von Konferenzen fanden ihren Höhepunkt in einer Versammlung, bei der der angeklagte von Schnitzler den Vorsitz führte. Er sagte den Vertretern des Prager Vereins, er wisse, dass sie versuchten, den Abschluss zu subvertieren, und dass er deshalb der Deutschen Regierung berichten würde, aus wegen der Haltung des Prager Vereins der soziale Frieden im Sudetengebiet bedroht sei, dass in jedem Augenblick Unruhen zu erwarten seien und dass die Verantwortung auf den Prager Verein zurückfalle. Die Vertreter des Prager Vereins ersuchten daraufhin die tschechoslowakische Regierung um Rat, und es wurde ihnen gesagt, sie sollten das Beste möglichste tun. Am nächsten Tag wurde der Kaufvertrag unterzeichnet.

Die Angeklagten hatten unter Grunow, diese "Verhandlungen" mit arroganter Zursicht zu führen. Hitler hatte in München die Oberhand gewonnen auf Grund feierlicher öffentlicher Zusicherungen, dass nach

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der Lösung des Sudetenproblems "es fuer Deutschland kein territoriales Problem mehr gibt.....ich dann an tschechischen Staat nicht sehr interessiert bin. Und das wird ihm garantiert. Er wollen gar keine Tschechen!" Diese Zusicherungen erwirkten in Chamberlain die Hoffnung auf "Frieden in unserer Zeit".

Die Angeklagten aber wussten es besser, und jeder Regierungs-funktionaar einer verantwortlichen Stellung in Deutschland wusste es ebenfalls. Am 21. Oktober bezeichnete ein zweiter Geheimbefehl Hitlers an die bewaffnete Macht die "Liquidation des Restes der Tschechoslowakei" ² als eine der Aufgaben, fuer welche die Wehrmacht vorbereitet sein musse. Eine Woche vorher hatte Goering eine Konferenz von Regierungsbeamten in wichtigen Stellen einberufen, der der angeklagte Krauch bewohnte. Goering verkundete, Hitler habe ihm befohlen, "ein gigantisches Programm durchzufuehren, mit der vorliegenden fruhere Leistungen unbedeutend sind." Er erklarte, innerhalb der geringstaedigen Frist muss die Luftflotte um das Fuenffache vergroesert werden, die Seeruestung musse beschleunigt werden und "die Armee soll sich grosse Mengen Verteidigungswaffen, insbesondere schwere Geschuetze und schwere Panzer, in groesster Eile beschaffen". Das Konferenzprotokoll erklart auch:

Das Sudetenland muss mit allen Mitteln ausbeutet werden. Generalfeldmarschall Goering rechnet mit der willigen wirtschaftlichen Mitarbeit von Seiten der Slowaken, Tschechen und Slowaken wuerden deutsche Gebiete bilden. Sie muessen auf das Aeusserste ausbeutet werden.....Die Suche nach Petroleum und Erzen muss in der Slowakei von dem Staatssekretier Keppller aufuehrt werden.

Der Angeklagte Krauch mag uns wohl sagen, dass er nicht glaubte, was er hoerte. Die Einschuechterung der tschechischen Geschäftsleute durch die Angeklagten, die waehrend dieser selben Wochen vor sich ging, ist jedoch ein zuverlaessigerer Zeuge fuer die Haltung der I.G. Und im Maerz des folgenden Jahres wurden Goerings Worte durch den Lauf der Ereignisse vollauf bestaetigt.

1. Urteil des Internationalen Militaergerichtshofes, Band I, Prozess gegen die Hauptkriegeverbrecher, Seite 197.

2. Ibid.

B. Das Jahr 1939 und die folgenden Jahre.

Zu Beginn des entscheidungsreichen Jahres 1939 machte Hjalmar Schacht einen letzten Versuch, seinen Einfluss im Dritten Reich wieder zur Geltung zu bringen. Er war im Jahre 1937 als Zentralfürer im Rüstungskampf von Goering ersetzt worden und war im selben Jahr sowohl von seiner Stellung als Wirtschaftsminister als auch als Generalbevollmächtigter für die Volkswirtschaft zurückgetreten. Aber er war Präsident der Reichsbank geblieben, die weiterhin als der Finanzagent des Reiches bei der Emission von Anleihen zur Finanzierung von Goerings Rüstungsprogrammen fungierte. Ende 1938, als die Reichsfinanzen nahezu erschöpft waren, ergriff Schacht die durch die Finanzkrise gebotene Gelegenheit und drängte sowohl öffentlich als in einem von den Direktoren der Reichsbank unterzeichneten Bericht auf eine drastische Beschränkung der Rüstungsausgaben, um das Budget ins Gleichgewicht zu bringen und die Inflation zu vermeiden. Hitlers Antwort war die Enthebung Schachts von seinem Posten als Präsident der Reichsbank. Schacht behielt bis zum Jahr 1943 den leeren Titel eines Reichsministers ohne Portefeuille bei, aber er hatte allen Einfluss bei den Nazis verloren und spielte in Regierungsangelegenheiten keine bedeutende Rolle mehr.

Die Ereignisse bewirkten sich in der Tat schnell in der entgegen gesetzten Richtung. Mitte März 1939 unterzeichnete der tschechische Präsident, dessen Herrschaft durch Goerings Drohung mit der Zerstörung Prags durch Flugzeuge gebrochen worden war, den Vertrag über die Besetzung Böhmen und Mähren durch deutsche Truppen. Diese beiden Provinzen wurden Reichsprotektorat, und die Slowakei wurde ein kleinerer "Quasistaat". Die Eroberung der ganzen Tschechoslowakei eröffnete der I.G. Farben neue Möglichkeiten für die industrielle Ausplünderung, die von den Angeklagten im Prozess ausgenutzt wurden.

Die Mobilisierung der I.G. für den Krieg war nun im Wesentlichen beendet. In dem Bericht, der im Juni 1939 von den Angeklagten von Knieriemer geschrieben und den meisten Angeklagten zugewiesen wurde, hiess es: "Während vor drei oder vier Jahren sich nur einzelne Abteilungen innerhalb der I.G. mit Wehrmachtsproblemen befassten, sehen jetzt in fast

allen besseren Fabriken der I.G. Versuche vorzich, die entweder auf direkte Anweisung der Wehrmacht vorgenommen werden oder in denen die Wehrmacht entweder in Folge des besonderen Charakters der in Frage kommenden Probleme oder durch die Gestellung von Fachleuten zur Mitarbeit einen tätigen Anteil nimmt." Im Februar 1939 machten Offiziere der Wehrmacht vom Auffahrt eine ausgedehnte Inspektionstour durch die Sprengstofffabriken der I.G.. Ein neuer Produktionsplan fuer Brennstoffe, "Schnell-Plan" genannt, wurde aufgestellt, um den wichtigeren Sprengstoff-erzeugnissen Prioritaet in der Erzeugung zu geben und andere Änderungen wurden, um der kritischen Lage gerecht zu werden, vorgenommen. Im selben Monat wurde eine all-Deutsche Versammlung der Mobilisationsleiter der besseren I.G. Fabriken/und im Fruhjahr wurden die endgultigen Mobilisationspläne von der Reichswirtschaftsgruppe Chemie abgeheissen.

Dr. Meier empfahlen der Anstalts von Krieger und sein Rechtsausschuss die Erroffnung drastischer Massnahmen im Falle des Planes, die ausländische Kapitalanlagen der I.G. zu tarnen, um sie vor Beschlagnahme durch den Feind zu schützen. Diese Massnahmen dienten nicht nur den Interessen der I.G., sondern auch ihren auswärtigen Imperialismus, die Tatkraft der Regierung im Ausland zu fördern. Der Bericht des Ausschusses, der den Anstalten von Schnitzler, Ter Meer und anderen zugeteilt wurde, erklarte:

..... fuer den Verkaufsgarant besteht das grösste Risiko einer Krießbeschlagnahme, wenn die Anteilhaber im neutralen Land lebende Neutralität sind. Eine derartige Verteilung der Geschäftsanteile hat noch den weiteren Vorteil, dass Gewissenskonflikte ausgeschlossen werden, die bei einem feindlichen Anteilhaber unvermeidlich zwischen Nationalität und I.G.-Treue auftreten müssen. Ein weiterer Vorteil liegt darin, dass der Neutralität im Falle des Krieges im allgemeinen seine Bewegungsfreiheit behält, während der feindliche Staatsangehörige sehr häufig zum Krieß zwingt, leicht in welcher Form, herangezogen wird und sich infolgedessen um die geschäftlichen Interessen nicht mehr kümmern kann.

Dennoch ist es klar, dass die Übertragung der Geschäftsanteile unserer Verkaufsgesellschaften in im neutralen Ausland lebende Neutralität sicherlich nicht in allen Fällen gleichförmig und ohne Rücksicht auf sonstige Gesichtspunkte durchgeführt werden kann. Dem steht schon entgegen, dass eine Massierung dieser Geschäftsanteile in den wenigen voraussichtlich neutral bleibenden Ländern Verdacht erregen kann und die Zahl der vertrauenswürdigen Persönlichkeiten, die als Anteilhaber in Frage kommen, beschränkt ist. Dazu kommt,

dass die von der I.G. für den Kriegfall zu treffenden Schutzmaßnahmen die Geschäftsbewicklung in normalen Zeiten nicht wesentlich beeinträchtigen dürfen. Aus den verschiedensten Gründen ist es für das normale Geschäft von grösster Bedeutung, dass die leitenden Herren der Vertretungen, die aus Gründen der Tarnung als Anteilseigner besonders gut not sind, Staatsangehörige des betreffenden Landes sind.

1. Der Einfall in Polen und seine Besetzung.

Am 23. Mai 1939 berief Hitler eine Vorstellung der Führer der Wehrmacht ein. Göring war als Oberbefehlshaber der Luftwaffe anwesend, ferner Milch und andere höhere Offiziere der Luftwaffe und des Luftfahrt-Ministeriums, mit dem die I.G. so eng zusammen gearbeitet hatte. Sie hörten wie Hitler unter anderem sagen:

Die 60 Millionen Masse hat die ideellen Probleme gelöst. Die wirtschaftlichen Probleme müssen auch gelöst werden. Ohne Einbruch in fremde Staaten oder Anriff fremden Eigentums ist dies nicht möglich. Weitere Erfolge können ohne Bluteinsatz nicht mehr errungen werden. ... Denselben ist nicht das Objekt, um das es geht. Es handelt sich für uns um Arrondierung des Lebensraumes im Osten und Sicherstellung der Ernährung. Aufrollen des Balkan-Problems. Die Bevölkerung nichtdeutscher Gebiete hat keinen Auffendienst und steht zur Arbeitsleistung zur Verfügung. Es entfällt also die Frage, Polen zu schonen und bleibt der Entschluss, bei erster passender Gelegenheit Polen anzugreifen. In eine Wiederholung der Tschechoslowakei ist nicht zu glauben. Es wird zum Kampf kommen.

Hitlers Entschluss kann wohl kaum für einen der Anwesenden eine Überraschung gewesen sein. Die Besetzung Österreichs, die Sudeten-Krise und der Bruch des Münchener Abkommens durch die Besetzung von Böhmen und Mähren waren noch frisch in ihrer Erinnerung. Immer und immer wieder hatte Hitler Deutschlands friedliche Absichten verkündet und immer sofort hatte Deutschlands Handlungswiese diese Behauptungen Lügen gestraft.

Die an der Beratung Teilnehmenden waren auch nicht die einzigen, die davon wussten, welche schreckliche Ereignisse bevorstünden. Das rasende Tempo der deutschen Wiederaufrüstungs-Bemühungen, die Ereignisse der letzten Monate und die überall veröffentlichten Ziele der NSDAP deuteten die Zukunft nur zu klar an. Falls man vor dem Jahre 1939 noch ist, in welchem Zweifel gelten zu lassen, so konnte nach dem Einmarsch der Wehrmacht in Polen kein Zweifel mehr darüber bestehen, dass das Dritte Reich zum Kriege bereit war. Die Spannung, die über Europa lag, wurde fast unerträglich.

Deutschland war in einem Dauerzustand ^{der} Krisen - Mobilisierung. Industrielle Mobilisation war bis in die kleinste Einzelheit vorbereitet worden. Während des Sommers begannen sich Zwischenfälle an der deutsch-polnischen Grenze zu ereignen und in Danzig "brachen" Unruhen aus. Dieses Echo der Substanzkrise wurde von Intellektuellen, einflussreichen und gut informierten Leuten, wie es die Angeklagten waren, sehr wohl verstanden. Sie wussten, dass Deutschland Polen anzurollen würde, falls dieses unglückliche Land sich weigern würde, ohne Kampf nachzugeben.

Der Angeklagte Krauch war Goerins rechte Hand und verschiedene andere arbeiteten eng mit Krauch zusammen. Viele der Angeklagten saßen in Schlüsselstellen in der Regierung oder bei der halbamtlichen Wirtschaftsgruppe Chemische Industrie. Alle grösseren Projekte der I.G. und ihre Pläne fuer den Masseneinsatz waren in den Vorstandssitzungen genehmigt worden. Es erscheint sehrflüssig, besondere Sitzungen zu erwähnen, bei denen hohe Regierungsbeamte die I.G. darüber aufklärten, dass der Krieg kommen musste; viele dieser Angeklagten kannten die Wahrheit sicherlich weit besser, als jene, welche annahmen, sie würden ihnen Staatsgeheimnisse in die Ohren flüstern. Es ist aber vielleicht erwähnenswert, dass im Juli 1939 der Angeklagte von Schnitzler, wie es jeden Monat seine Gepflogenheit war, in Berlin mit einem hohen Beamten des Reichswirtschaftsministeriums, namens Ungewitter, verhandelte. Ungewitter sprach als Vertreter des Vierjahresplans und erzählte von Schnitzler, dass Hitler entschlossen sei, in Polen einzufallen und dass, angesichts der Garantien, welche Polen von England und Frankreich gegeben worden waren, Deutschland auf einen Angriff an seinen Westgrenzen vorbereitet sein müsse. Ungewitter hatte auch anderen der Angeklagten ähnliche Erklärungen abgegeben, so z.B. Ter Meer, Würster und Labros.

Am 2. August 1939 ab Ungewitter als Reichskommissar fuer Chemie der I.G. das Ultimatum zum Krieg. Durch die Vermittlungsstelle W wurden die folgenden Anweisungen erteilt:

Es muss davon ausgegangen werden, dass die zur Durchführung der Ihnen erteilten Mob-aufgaben... als notwendig bezeichneten Roh- und Hilfsstoffe fuer einen gewissen Zeitraum bei Ihnen vorraetig gehalten werden. In Einklang mit dem Reichswirtschaftsministerium weisse ich Sie demzufolge an, die von Ihnen fuer die Durchfuehrung der Mob-aufgabe benoetigten Roh- und Hilfsstoffmengen in Hoehs eines auf diese Mob-aufgabe abgestellten Bedarfs fuer drei Monate in ihren Erzeugungsetzungen einzulagern. .. Fuer die Materialien sind Lage an von Ihnen fuer die ersten vier Wochen von Abmarschanfang an die erforderlichen Bedarfsmengen als Dringlichkeitstransporte bei der fuer Sie zustaeendigen Wirtschaftlichen Abteilung anzumelden. Sie wollen mir soe glichst kurzfristig darueber berichten, dass die Ihnen fuer die Vorratshaltung erteilte Weisung von Ihnen ausgefuehrt wurde.

Die Vermittlungsstelle hat diese Instruktionen unverzueglich an die I.G. -Werke weitergeleitet und war bald daraufhin in der Lage, Ungewitter mitzutellen, dass sie bereit seien. Die Zeit war gekommen, um die "Tarnungsplan" fuer die auslaendischen Guthaben der I.G. in die Tat umzusetzen, die der Angeklagte von Krieger aus gearbeitet hatte. Als dieses Programm, das unter den Angeklagten als Tarnung bekannt war, in die Tat umgesetzt wurde, erklaeerte die I.G. dem Reichswirtschaftsminister:

Wir erklaeeren, dass wir auch nach Durchfuehrung der beabsichtigten Massnahmen den vollen Einfluss ueber die auslaendischen Gesellschaften haben werden und bereit und in der Lage sind, daefuer Sorge zu tragen, dass entweder unmittelbar ueber den Exporterlös oder auf die in unsern Antragen dargelegte Weise auf dem Wege ueber Stockholm alle Devisenanfoerle wie bisher der Reichsbank zufließen werden. Wir erklaeeren hiermit fernerhin, dass der entscheidende tatsaechliche Einfluss, den wir auch nach Durchfuehrung der neuen Massnahmen in den auslaendischen Verkaufsgesellschaften besitzen werden, in jeder Hinsicht ausreichen wird, um personalpolitisch den Anforderungen der deutschen staetlichen und parteistaetlichen Stellen zu genuegen. Wir werden jederzeit in der Lage sein, politisch unguenstige oder bedenkliche Personenlichkeiten aus unserm Verkaufsapparat zu entfernen und daefuer zu sorgen, dass keinerlei Konflikte zwischen den in unsern aussewaertschaftlichen Verkaufsapparat betraegenden Kraefte und der allgemeinen deutschen staets- und wirtschaftspolitischen Linie entstehen koennen.

Wie wir jedoch schon vorher gesehen haben, sind es die Nacht- und Raubziele der Angeklagten, die uns den klaren Beweis ihres Wissens und ihre Absichten liefern. Waehrend von Rundstedt und von Bock die deutschen Legionen an der polnischen Grenze gemass ihrem Angriffsplan einsetzten, machten die I.G. eine sorgfaeltige Uebersicht ueber die polnischen chemischen Industrien in Voraussicht des Nutzens, der aus der Eroberung gezogen werden koennte. Am 28. Juli 1939 wurde unter der Leitung des Angeklagten Ilmer ein umfangreicher Bericht ausgearbeitet, mit dem Titel: "Die wichtigsten Chemischen Fabriken in Polen", der eine ins Einzelne

gehende Beschreibung des Aufbaues dieser Fabriken, ihrer Erzeugnisse, ihre Anpassung an die deutsche Kriegswirtschaft und die Namen ihrer Inhaber und Direktoren anfuhrte.

Am 28. August teilte die Vermittlungsstelle den I.G.-werken mit, dass sie fuer die naechste Zeit Tag und Nacht telephonisch und durch Fernschreiber erreicht werden koennen. Am diesem oder dem darauf folgenden Tage berief der Angeklagte Schneider, der Leiter von Sparte I, eine Zusammenkunft der Abteilungsleiter der Leuna-Werke und teilte ihnen mit, dass der Mobilisationsbefehl fuer die Fabrik erteilt worden sei. Schneider beendete die Diskussion mit den Worten: "Dies ist der Krieg."

Am 1. September 1939 fiel die Wehrmacht in Polen ein. Wie das Internationale Militaer Gericht feststellte, war der von Deutschland gegen Polen begonnene Krieg ganz offensichtlich ein Angriffskrieg, der sich in seinem Verlauf zu einem Krieg entwickeln sollte, der fast die ganze Welt umfusste und die Begehung zahlloser Verbrechen zur Folge hatte, sowohl gegen die Kriegsgesetze und die Kriegsbräuche wie auch gegen die Menschlichkeit.

Am Tage des Einfalles in Polen flog der bekannte deutsche Stahlbaron, Fritz Thyssen, der einer der ersten Foerderer Hitlers unter den Industriellen gewesen war, aus Deutschland und gab als Reichstagsmitglied die Anweisung, dass seine Stille wegen der Kriegserklaerung abgegeben werden sollte. Bina noch nach der Kriegserklaerung begannen von Schnitzler und andere der Angeklagten ihr Programm der Besitzergreifung der polnischen chemischen Industrien zum Nutzen der I.G. durchzufuehren.

2. Die Kriegsjahre.

Die Plaene der I.G. fuer den Fall eines Krieges waren so sorgfaeltig ausgearbeitet worden, dass der tatsaechliche Kriegsausbruch keine groesseren Probleme schuf. Durch ein Telegramm der Vermittlungsstelle, das auf Befehl des Reichswirtschaftsministeriums geschickt worden war, wurde allen I.G.-werken befohlen, "sich sofort auf die im

Mobilisierungsplan festgelegte Erzeugung umzustellen."

Der Krieg, fuer dessen Ermoglichung die I.G. soviel getan hatte, war endlich ausgebrochen, und die I.G. setzte ihre Taetigkeit als lebenswichtige Bezugsquelle fuer Materialien und Waffen fuer die deutsche Kriegsmaschine fort. Neue und ungeheure Anlagen wurden zur Herstellung von Stickstoff, Methanol und synthetischen Treibstoffen errichtet. Zwei Buna-Werke waren vor dem Kriege erbaut worden, und zwei weitere wurden im Jahre 1941 hinzugefuegt, von denen das eine ausserhalb des Reiches, in Auschwitz, gelegen war, und von dem wir spaeter viel mehr hoeren werden. In Voraussicht der Moeglichkeit, dass Giftgas wieder verwandt werden wuerde, erbaute die I.G. mehrere grosse Anlagen zu dessen Erzeugung. Es ist interessant festzustellen, dass die I.G. sehr weit ging, um ihre Taetigkeit auf dem Giftgasgebiet durch Bilden von Tochtergesellschaften zu verheimlichen, die nichtssagenhafte Namen trugen, wie "Luranil" und "Anorgana" und die Vertreter mit der Befuechtung zur Giftgasproduktion wurden im Namen solcher Scheintochtergesellschaften abgeschlossen.

Kurz gesagt, nachdem die I.G. Einfuehrung und Angriffskriege geplant, vorbereitet und eingeleitet hatte, ging sie dazu ueber, alle ihre Krafte der Fuehrung des Krieges zu weihen. Innerhalb Deutschlands war sie das Arsenal des Dritten Reiches. In den besetzten Gebieten war sie stark mit ihren Plaenen zur industriellen Pluenderung beschaeftigt, welche in Punkt 2 der Anklageschrift angefuehrt werden. Sowohl innerhalb des Reiches, als auch in den besetzten Gebieten war sie in das moerderische Sklavenarbeitsprogramm des Dritten Reiches tief verwickelt, wie in Punkt 3 der Anklageschrift dargestellt werden wird.

Aber das Beweismaterial fuer Anklagepunkt 1 endet nicht mit dem Jahre 1939. Zwei Jahre vergingen, ehe die Kriegesflut die westliche Halbkugel erreichte, und waehrend dieser Jahre war die I.G. weiterhin ein energischer und nie an ein Mittel verlegener Partner der nationalsozialistischen Regierung auf dem Gebiete der Propaganda und Spionage und war besonders erfolgreich in der Verzoeigerung der Aufrueckung der Jagdgeraeten Westen zur Begegnung der deutschen Gefahr.

Die Taetigkeit der I.G. auf dem Gebiete der Auslandsspionage wurde

hauptsächlich durch ihre ausländischen Vertreter ausgeübt, unter der Ägide des Angeklagten Ilmer und des Bueros in Berlin NW 7, und unter der Mitarbeit der Bayer-Verkaufsgesellschaften unter dem Angeklagten Mann. Das Nachrichtennetz, welches Ilmer aufgebaut hatte, erwies sich als hinreichend wertvoll, dass I.G.-Agenten (die sogenannten Verbindungsleute) in vielen Fällen in die Spionageabteilungen der Wehrmacht (OKW/Abwehr) und der SS (Sicherheitsdienst) übernommen wurden. In Brasilien, Peru, Chile, Venezuela, Ecuador, Mexiko und, im allgemeinen in ganz Latein-Amerika, waren die I.G.-Vertreter die Haupttriebfeder der örtlichen Zweigstellen der NSDAP, taten Propagandadienste und waren eine beständige Quelle wertvoller Nachrichten.

Ausserdem half die I.G. dem deutschen Spionagedienst, indem sie die regulären Offiziere und Agenten des Spionagedienstes auf ihre Lohnlisten setzte und sie unter ihrem Beistand ins Ausland schickte. Diese Methode wurde häufig in den Balkanländern, der Türkei, Spanien und Portugal gebraucht.

Weit wichtiger als diese Spionagetätigkeit war es, dass die I.G. wohlüberlegt die internationalen Kartelle und Syndikatabkommen dazu benutzte, um Geschäftsleute in andern Ländern irreführen und dadurch die ausländische Forschungsarbeit in technischen Problemen von strategischer Bedeutung auf dem Gebiete der Rüstungen zu verzögern. Die Tätigkeit dieser Art war von besonderer Bedeutung in den Vereinigten Staaten, welches das am höchsten industrialisierte und potential mächtigste Land der Welt war. Auf verschiedenen Gebieten konnten Beispiele dafür gefunden werden, dass die I.G. Kartelle und Handelsabkommen zu feindlichen Zwecken benutzte. Aber das bezeichnendste Beispiel war der Vertrag der I.G. mit der Standard Oil Company von New Jersey.

Die Geschichte der I.G.-Verträge mit der Standard Oil ist ein ausgezeichnetes Beispiel für die Art und Weise, in welcher die I.G. in enger Zusammenarbeit mit der national-sozialistischen Regierung die internationalen Kartellabkommen im Interesse der deutschen Kriegswirtschaft ausnutzte. Im Jahre 1929, kurz nachdem die I.G. ihr Verfahren zur Herstellung von synthetischen Treibstoffen entwickelt hatte, wurde zwischen ihr und der Standard Oil ein Vertrag abgeschlossen, dessen

Hauptgegenstand es war, dass die Standard Oil die Vorherrschaft der I.G. auf dem Gebiete der "chemischen" Geschäfte in der ganzen Welt einschliesslich der Vereinigten Staaten anerkannte und dass die I.G. die Vorherrschaft der Standard Oil in dem "Öl"-Geschäft, mit Ausnahme innerhalb Deutschland anerkannte. Neue "chemische" Verfahren, welche von der Standard Oil entdeckt wurden, sollten der I.G. mitgeteilt werden, falls sie nicht mit dem "Petroleum"-Geschäft in engem Zusammenhang stehen sollten, und die I.G. uebernahm eine gegenseitige Verpflichtung in Bezug auf Entwicklungen im "Petroleum- oder Naturgas"-Geschäft, ausgenommen innerhalb Deutschlands.

Im Jahre 1930 schlossen die I.G. und die Standard Oil einen weiteren Vertrag ab, als dessen Zweck "der Wunsch und die Absicht der Parteien, ihre neuen chemischen Verfahren gemeinsam auf der Grundlage der Gleichheit (50-50) zu entwickeln und auszunutzen" angegeben wurde. Zu diesem Zweck sollte eine in gemeinschaftlichen Eigentum befindliche Aktiengesellschaft, Jasco genannt, gegrundet werden, um die neuen, ihr entweder von der Standard oder der I.G. uebergebenen neuen Prozesse zu pruefen und zu entwickeln.

Die beiden vertragsschliessenden Parteien erkannten, was in der Tat aus dem umfassenden und allgemeinen Charakter des Vertrags erkenntlich war, dass auf dem Petroleumgebiet und dem chemischen Gebiet beträchtliche Doppelarbeit geleistet wurde, und dass bestaendig Grenzfälle auftauchen wurden, die durch Verhandlungen entschieden werden mussten. Der Charakter des "Vertrags" zwischen der I.G. und der Standard Oil wurde treffend zusammengefasst in einem im Jahre 1936 von Frank A. Howard, dem Praesidenten der Standard Oil Development Company, geschriebenen Brief:

Die I.G. kann als unser voller Teilhaber bezueglich der waehrend der Zeitspanne zwischen 1929 und 1947 aufgetretenen Entwicklungen auf dem Gebiet der Chemie angesprochen werden. Es ist der Wunsch und die Absicht beider Parteien, die Konkurrenz untereinander zu vermeiden und dadurch die rueckhaltlose Zusammenarbeit ihrer technischen Organisationen zum gemeinsamen Vorteil zu ermöglichen. Dieses Arrangement ist in den Abkommen ueber die

"Gebietsabgrenzung" ~~hat~~ auseinandergesetzt.....

1. Die Annahme ist, dass die I.G. sich vom eigentlichen Petroleum-geschäft fernhält und dass wir uns vom Chemikalien-Geschäft, soweit es nicht auf das Petroleumgeschäft Einfluss hat, fernhalten.

Zieht man die Tatsache in Betracht, dass unsere Beziehung zur I.G. in Wirklichkeit schon zwei Jahre vor der tatsächlichen Unterzeichnung der Verträge begann, dann befinden wir uns jetzt ungefähr in der Mitte der Gesamtzeitdauer, fuer die der Vertrag laeuft. Die chemische Seite der Vereinbarungen ist fuer beide Seiten zufriedenstellend gewesen und fuer uns gewinnbringend, wenigstens waehrend dieses ganzen Zeitraums. Der Beamtensab der I.G., mit dem wir in dieser Beziehung zu verhandeln haben werden, hat sich waehrend dieser zehn Jahre etwas geaendert. Es ist aber kein Anzeichen dafuer vorhanden, dass die neuen leitenden Beamten nicht im selben Geiste guten Willens mit uns arbeiten koennen und wollen, in dem die fruhere Gruppe arbeitete.

Trotz der allgemein gehaltenen Ausdrucksweise des Jasco-Vertrages war jedoch augenscheinlich auf beiden Seiten Uebereinstimmung darueber vorhanden, dass die Entwicklung des synthetischen Gummi unter die Vertragsbestimmungen falle und dass neue Entwicklungen auf dem Gebiet des synthetischen Kautschuks der Jasco uebergeben werden sollten. Ein von Mr. Howard im Jahre 1940 geschriebener Brief erklart:

In Verfolg dieses allgemeinen Abkommens versprachen die Vertragspartner, bei der Herstellung gewisser neuer Produkte aus Petroleum- und Gasrohstoffen miteinander zusammenzuarbeiten, und eine im gemeinschaftlichen Eigentum befindliche Gesellschaft wurde zwecks Vertretung der gemeinsamen Interessen der beiden Parteien auf diesem Gebiete begruendet. Das synthetische Buna-Kautschuk-Produkt - soweit das Produkt aus den Rohstoffen Petroleum und Naturgas hergestellt wurde - wurde von beiden Parteien als in den Bereich dieser Gesellschaft fallend erachtet.

Wie Mr. Howard sich in dem obenzitierten Brief ausdrueckte, waren die Arrangements zwischen der I.G. und der Standard Oil derart, dass "wirklicher guter Wille auf beiden Seiten" erforderlich war. Aber die spaetere Geschichte des Verhaeltnisses der beiden Vertragspartner kann dahin zusammengefasst werden, dass die eine der Parteien vollkommen vertrauenswuerdig und vielleicht zu vertrauensvoll war, wohingegen man der anderen ueberhaupt nicht trauen konnte. Die Standard Oil Company hielt den Vertrag peinlich ein und war, wie der Brief Mr. Howards zeigt, von dem "Geiste des guten Willens" von Seiten der I.G. beeindruckt. Die I.G. umgekehrt handelte waehrend der Dauer des Vertrags mit

berechnender Falschheit, um jeder ihrer Schritte wurde nach Beratung mit der Naziregierung unterzogen und zielte darauf hin, die technische Position Deutschlands zu stärken und die Forschung in den Vereinigten Staaten zu verlangsamen. Bereits im März 1934 instruierte die I.G. ihre Tochtergesellschaft in New York, Chemagro, die mit der Du Pont Company ueber Stickstoffangelegenheiten verhandelte, der Du Pont nicht zu erkennen zu geben, dass die Naziregierung an internationalen Austausch technologischer Prozesse ein Interesse haben koenne. Der Brief besagt: "Wir duerfen die auslaendische Industrie nicht den Eindruck gewinnen lassen, dass wir in dieser Beziehung nicht frei verhandeln koennen." Und im Jahre 1935 erklarte ein Bericht ueber eine Konferenz zwischen Vertretern der I.G. und Beamten der Wehrmacht:

Die I.G. ist vertraglich zu einem ausgedehnten Erfahrungsaustausch mit der Standard verpflichtet. Diese Lage erscheint, soweit Entwicklungsarbeiten, die fuer das Reichsluftfahrtministerium vorzunehmen werden, in Frage kommen, unhaltbar.

Im Juli 1937 fand wiederum eine solche Konferenz statt. Es wurde die Notwendigkeit betont, die Verfahren der I.G. fuer die Erzeugung von Treibstoffen und Flugzeugbenzin geheim zu halten, soweit sie nicht den Auslaendern bereits bekannt ^{sind} und die Wehrmacht ihre Genehmigung gegeben habe. Der Prüfstein sollte sein, ob direkte Gefahr bestehe, dass die Auslaender in der nahen Zukunft das Verfahren ohne Benutzung der technischen Erfahrung der I.G. weiterentwickeln werden. Man kam auch ueberein, dass die I.G. bei ihren auslaendischen Vertragspartnern, z.B. der Standard Oil, ueber den Umfang der von ihr vorgenommenen Versuche einen falschen Eindruck hervorrufen solle.

Die Politik der I.G. wurde in einem Memorandum, das der angeklagte Bustafisch im Januar 1940 schrieb, treffend zusammengefasst. Nachdem er erklart hatte, dass "auf dem Gebiet der Mineraloel" zwischen der I.G. und der Standard Oil Verträge fuer den Austausch technischer Erfahrungen bestuehden, hiess es:

Dieser Erfahrungsaustausch, der von den Gesellschaften des neutralen Auslandes heute . . . in der ueblichen Form gehandhabt und uns ueber Holland bzw. Italien zugeleitet wird, gibt uns einmal Einblick in die Entwicklungsarbeiten und Produktionsabsichten der Gesellschaften bzw. ihrer Laender und unterrichtet uns gleichzeitig ueber den Stand der technischen Entwicklung auf dem Oelgebiet. In diesen Erfahrungsberichten werden Zeichnungen und technische Einzelheiten ueber die verschiedensten Erfahrungen mitgeteilt. Die vertragliche Bindung besagt, dass auch wir unsere Erfahrungen auf dem Oelgebiet dem Ausland im vertraglichen Rahmen zur Verfuegung stellen muessen. Wir haben diesen Erfahrungsaustausch bisher so vorgenommen, dass wir von unserer Seite nur Berichte gegeben haben, die uns nach Rücksprache mit dem OKW und dem RWM unbedenklich erschienen und nur solche technischen Daten enthielten, die bekannte und technisch nach dem neuesten Stand ueberholte Dinge betrafen. Auf diesem Wege haben wir bei der Handhabung der Verträge erreicht, dass uns im ganzen gesehen ein Vorteil fuer die deutsche Wirtschaft verblieb.

Um die Fuchlungnahme mit dem neutralen Ausland bzw. den dort beheimateten Oelgesellschaften aufrechtzuerhalten, halten wir es fuer angebracht, diesen Erfahrungsaustausch in der skizzierten Form beizubehalten, wobei fuer uns die Richtlinie massgebend bleiben muss, dass unter keinen Umstaenden militaerisch oder wehrpolitisch wertvolle Erfahrungen auf diese Weise ins Ausland gelangen. In allen Zweifelsfaellen muss daher unbedingt eine Fuchlungnahme mit den zustaeendigen Reichsstellen aufgenommen werden.

Auf diesem Memorandum steht eine handschriftliche Notiz, die lautet: "Einverstanden. Dir. Dr. Baetefisch ist verantwortlich za fuer, dass nichts von militaerischer oder wehrpolitischer Bedeutung ins Ausland kommt." Diese Notiz war von Hermann Goering abgesetzt.

Die obige Schilderung der Taktik der I.G. auf dem Petroleumsgebiete gilt in gleicher Weise fuer den synthetischen Kautschuk. Im Jahre 1937 begann eine lange Kette von Verhandlungen zwischen der I.G. und Standard Oil ueber die Zurverfuegungstellung der Patente und, was wichtiger war, der technischen Erfahrungen fuer die Herstellung des Buna-Kautschuks zwecks kommerzieller Entwicklung in den Vereinigten Staaten. Ob ein technischer Bruch des Jacsabkommens vorlag oder nicht, ist ganz unerheblich. Die bezeichnende Tatsache besteht, dass das sorgfaeltig geplante Verhalten der I.G. darauf berechnet war, die Standard Oil und die grossen amerikanischen Kautschukgesellschaften glauben zu machen, sie wuerden die technischen Erfahrungen von der I.G. bekommen, um sie dadurch vor unabhaeangiger Forschungsarbeit in Amerika abzuschrecken.

Die I.G. versuchte die Tatsache, dass die Reichsregierung eine Uebergabe des Buna-Prozesses der I.G. nicht gerne sehen werde, nicht zu verheimlichen. Es gelang ihr aber, den Eindruck zu erwecken, dass die I.G. selbst nur zu gerne gefällig sein würde, und dass sie sicherlich in der nahen Zukunft die Regierungsgenehmigung beibringen würde. Durch die Beteuerungen des guten Willens seitens der I.G. beeindruckt, liess die Standard Oil Company die I.G. ihren eigenen Butyl- (Copolymer)-Kautschukprozess haben. Am 15. März 1939, drei Tage nach der Besetzung Oesterreichs, schrieb Mr. Howard:

Bei meiner Zusammenkunft mit den Herren von der I.G. in Berlin ueber die Bunafrage stellte sich heraus, dass in allen Phasen der Buna-Forschung sehr schnelle Fortschritte gemacht werden.... Es bestehen noch gewisse Schwierigkeiten, die unsere Freunde von der I.G. daran hindern, uns volle technische Informationen zu geben und uns in normaler Weise mit der geschaeftlichen Entwicklung in den Vereinigten Staaten fortzufahren. Es ist zu hoffen, dass diese Schwierigkeiten in naher Zukunft ueberwunden werden, und wir hier wuenschen, unser Bestes zur Erreichung dieses Resultates zu tun.

Mit Ruecksicht auf den echten Geist der Zusammenarbeit, den Dr. Ter Meer zeigte, bin ich ueberzeugt, dass es nicht nur Recht ist sondern von jedem Standpunkt aus das Beste ist, ihnen jetzt die volle Information ueber den Copolymer auszuhaendigen. Ich glaube nicht, dass wir dadurch irgendetwas verlieren koennten, was mit dem Nutzen, den alle unsere Interessen moeglicherweise daraus ziehen koennen, vergleichbar waere.

Drei Tage spaeter wurde im Reichswirtschaftsministerium eine Konferenz abgehalten, der als Vertreter der I.G. der angeklagte Ter Meer beiwohnte. In einem Memorandum ueber diese Konferenz hiess es u.a.:

Besprechungen, die bisher lediglich das Ziel hatten, amerikanische Interessen zu beruhigen und von einer eigenen Initiative im Rahmen des Butadien-Kautschuks moeglichst abzuhalten, haben stattgefunden mit der Standard, mit Goodrich und Goodyear. Wir stehen unter dem Eindruck, dass man die Dinge in USA nicht auf lange Sicht mehr halten kann, ohne Gefahr zu laufen, ploetzlich vor einer unangenehmen Situation zu stehen und volle Auswertung unserer Arbeiten und Rechte zu gefaehrden.... Das amerikanische Patentgesetz kennt keine Zwangslizenzen. Dennoch waere denkbar, dass bei der ausserordentlich grossen Bedeutung des Kautschuk-Problems fuer USA. und bei den auch dort vorhandenen starken Tendenzen der Wehrhaftmachung, der Verminderung von Arbeitslosigkeit usw. ein entsprechendes Gesetz in Washington eingebracht wird. Wir behandeln daher die Lizenzantraege der amerikanischen Firmen dilatorisch, um sie nicht zu unangenehmen Massnahmen zu treiben. In allen anderen Beziehungen wird dies durch unsere Beziehungen mit Standard Oil ausgeglichen und durch unsere Zustimmung, uns im Prinzip in erster Linie mit der Standard

Oil, als dem Lieferanten von Rohmaterialien zusammenzutun, im Falle einer Ausbeutung unserer Gummipatente in den Vereinigten Staaten.

Die Konferenz erörterte dann die Möglichkeit, die weitere Entwicklung in den Vereinigten Staaten durch Geheimhaltung zu verzögern. Es wurde darauf hingewiesen, dass die unabhängige Entwicklung in den Vereinigten Staaten soweit fortgeschritten sei, dass dies Resultat unmöglich erreicht und dass durch Verhandlungen mit den Amerikanern mittels besserer Handelsbeziehungen zwischen den Vereinigten Staaten und Deutschland viel gewonnen werden könnte. Die Regierungsbeamten deuteten an, sie würden vielleicht einen Ersuchen um Einleitung von Verhandlungen mit den Vereinigten Staaten im Herbst 1938 entsprechen, vorausgesetzt, dass diese Verhandlungen in keiner Weise die Vollendung der bereits in Bau befindlichen Buna-Fabriken der I.G. behinderten. Und im Oktober 1938 gab das Reichswirtschaftsministerium in der Tat der I.G. die Erlaubnis zur Auswertung der Buna-Patente und technischen Informationen im Ausland unter der Bedingung, dass die Einwilligung der Regierung vor dem endgültigen Abschluss eines solchen Vertrages eingeholt werden müsse.

Im folgenden Monat besuchte der Angeklagte Ter Meer die Vereinigten Staaten, und am 28. November 1938 erörterte er die kommerzielle Verwertung des Buna-Kautschuks mit dem Executiv-Komitee der Standard Oil Company und danach mit den grossen amerikanischen Kautschukgesellschaften. Aber Ter Meer traf keine endgültigen vertraglichen Vereinbarungen, und im Frühjahr des Jahres 1939 nahmen die Verhandlungen in dieser Beziehung ein Ende. Wie Ter Meer es in einem Brief an den Angeklagten Krauch im Januar 1942 beendigt ausdrückte: "Abschliessend möchte ich bemerken, dass Verfahren und Erfahrungen über die Gewinnung von Butadien und die Herstellung von Buna-S und N, abgesehen von dem mit unserem Bundesgenossen Italien getätigten Lizenzvertrag, niemals ans Ausland abgegeben worden sind."

Nachdem Kriegsausbruch im September 1939 nahm die I.G. ihre Maske ab. Mr. Howard kam nach Holland und konferierte Ende September im Haag mit Vertretern der I.G. Als Resultat übertrug die I.G. ihre Beteiligung an der Jasco an die Standard Oil Company und übertrug der Jasco die Buna-Patente. Die fuer die schnelle Auswertung der Patente wesentliche technische Erfahrung wurde aber nicht übermittelt. Ein Brief an den Angeklagten von Krieger vom 28. September erklärte:

Dr. ter Meer haelt es fuer noetig, speziell zu betonen, dass in Bezug auf Buna kein Erfahrungsaustausch stattfinden wird.

Die Uebertragung der Bunapatente an sich schloss nicht mehr ein als blosse Spezifizierungen, Ohne Kenntnis der Begleitprozesse der I.G. waren sie von geringem wissenschaftlichen Wert. Der einzige Grund fuer die Uebertragung der Patente an Jasco im Jahre 1940 war, die Feindstaaten an ihrer Beschlagnahme zu hindern und sie im Falle eines Krieges zwischen Deutschland und den Vereinigten Staaten sicherzustellen. Die Aufzeichnungen der I.G. ueber die Konferenz in Haag mit Mr. Howard begann:

In einer spaeteren Unterhaltung fragte Howard, ob wir unter den gegenwaertigen Verhaeltnissen in der Lage sein wuerden, Erfahrungen fuer die Herstellung von Buna nach USA zu geben. Er selbst halte dies fuer unwahrscheinlich, da USA im Kriegsfall auf Import von Kautschuk angewiesen sei. Wir haben Howard eine Beantwortung dieser Frage zugesagt. Howard selbst rechnet mit einer Ablehnung, technische Erfahrungen zu geben. Auf jeden Fall ist von ihm die Neuregelung der Jasco nicht etwa von der Ueberlassung von Erfahrungen Buna abhaengig gemacht worden.

Von 1939 an war es voellig unmoeglich, von Deutschland ueber den Bunaprozess weitere technische Informationen zu erlangen. Mr. Howard erklarte in einem Brief:

Von all den Entwicklungen auf dem Gebiet des synthetischen Kautschuks in der Welt ist in diesem Augenblick die Entwicklung des Buna-S durch die I.G. die einzige, auf die man sich nachgewiesenermassen moeglicherweise sofort zur Herstellung synthetischen Kautschuks von einer fuer Automobilreifen geeigneten Qualitaet, zu praetisch infrage kommenden Preisen und in Quantitaeten verlassen kann. Wir haben ueber die Buna-S Fabrikation keine vollstaendige Information in den Vereinigten Staaten und koennen von Deutschland keine weitere erhalten. Wir haben jedoch vollkommenes Verfuegungsrecht ueber die Patente, und mit den Patenten und der Information die wir haben, wird es moeglich sein, Buna-S in den USA herzustellen. Mindestens zwei Jahre werden jedoch noetig sein, um die erste grosse Fabrik fertigzustellen und in Gang zu bringen.

Alle Versuche, von der I.G. technische Information zu erlangen, stiessen jedoch auf eine glatte Weigerung. So wurde Mr. Howard im April 1940 vorgeschlagen, er solle versuchen zu entdecken, "was fuer Emulsionsmittel und Katalysatoren die I.G. bei der Bunanherstellung anwende".

Mr. Howard konferierte mit den Angeklagten Ter Meer und von Knieriem im Mai 1940 in Basel in der Schweiz und versuchte diese Information zu er-

langen, es wurde ihm aber von den Vertretern der I.G. bedeutet:

"Es sei jedoch nicht möglich, Jasco mitzuteilen, was fuer Emulsionsmittel gebraucht wurden. Die Nennung der von der I.G. gebrauchten Emulsionsmittel kaeme der Mitteilung von technischen Erfahrungen gleich, die sie zu geben nicht in der Lage sei,"

mit anderen Worten; die I.G., Fabben und die Naziregierung benutzten die Kartellvertraege der I.G., z.B. den mit der Standard Oil, als ein Werkzeug der deutschen auslaendischen Politik. Ziel war, das Hoechstmass technischer Informationen fuer Deutschland zur Foerderung des deutschen Kriegseinsatzes zu erlangen und, soweit als moeglich, jede Information von militaerischem Wert zurueckzuhalten und dadurch das militaerische Potential anderer Laender zu schwachen. Eine hoechst aufschlussreiche Schilderung der Politik der I.G. ist in einem, dem Angeklagten von Knieriem im Mai 1944 von Wissenschaftlern der I.G. unterbreiteten Memorandum enthalten. Ein Artikel von Nr. R.T. Haslam von der Standard Oil Company war in der Petroleum Times vom 25. Dezember 1943 erschienen, in dem es unter anderem hiess:

"Die vor 15 Jahren von Deutschland nach Amerika gebrachten Geheimnisse sind von amerikanischen Wissenschaftlern in maechtige Waffen gegen Deutschland verwandelt worden."

Das Memorandum der I.G. vom Jahre 1944 ist eine durchdachte technische Antwort auf den Artikel Haslams. Es ist ganz unwesentlich, ob der Artikel Haslams oder das Memorandum der I.G. der Wahrheit naeher kommt. Der bezeichnende Punkt der von den Dokumenten, die wir zitiert haben, reichlich bestaetigt wird, ist, dass waehrend des Endes der Dreissiger Jahre, noch im ersten Teil des Krieges, die I.G. und die nationalsozialistische Regierung den Vertrag mit der Standard Oil als Instrument fuer einen Angriffskrieg zu benutzen versuchten. Im I.G. Memorandum von 1940 wird unter anderem auseinander gesetzt:

Auf dem Buna-Gebiet liegen die Verhaeltnisse so, dass von uns niemals technische Erfahrungen an die Amerikaner gegeben worden sind oder dass eine technische Zusammenarbeit auf dem Buna-Gebiet stattgefunden haette. Die Amerikaner hatten also, auf Grund der vertraglichen Abmachungen, nur ein Anrecht zu irgendeinem Zeitpunkt zu einer technischen Zusammenarbeit mit der I.G. zu kommen. Auch die von Herrn Haslam erwahnte, im September 1939 getroffene Abmachung, gab den Amerikanern keine Erfahrungen sondern nur das, was ihnen vertraglich zustand, naemlich einen Anteil am Patentbesitz. Ausserdem wurde damals lediglich eine andere Verteilung dieses Besitzes vorgenommen, die im Interesse beider Partner zu liegen schien. Wirtschaftlich Wichtiges haben die Amerikaner damals nicht erhalten, zudem haetten sie sich im Kriege die Patente auch ohne unsere Abmachungen beschaffen koennen, denn es wird sich im Kriegsfall niemals ein Staat durch feindliche Patente an der Produktion hindern lassen.

Es ist nun weiter die Tatsache zu berücksichtigen, die befreilicherweise in den historischen Aufzeichnungen gar nicht zum Ausdruck kommt, dass wir in Auswirkung unserer Verträge mit den Amerikanern ueber das Gesagte hinaus noch viele ueberaus wertvolle Beitrage fuer die Synthese und Verbesserung von Treibstoffen und Schmieroelen von ihnen bekommen haben, die uns gerade jetzt im Kriege sehr zustatten kommen und dass wir auch noch andere Vorteile von ihnen gehabt haben.

In erster Linie ist hier folgendes zu nennen:

- 1) Vor allem Treibstoffverbesserung durch Zusatz von Bleitetraethyl und die Herstellung dieses Produktes. Es braucht nicht besonders erwaehnt zu werden, dass ohne Bleitetraethyl die heutige Kriegsfuehrung gar nicht denkbar waere. Dass wir bereits seit Kriegsbeginn Bleitetraethyl herstellen koennen, verdanken wir aber lediglich dem Umstande, dass die Amerikaner uns kurz vorher Erzeugungsstaetten mit saemtlichen Erfahrungen schliesselfertig hingestellt hatten. Es ist uns also die schwierige Entwicklungsarbeit (es sei nur an die Giftigkeit des Bleitetraethyls erinnert, die in 68% viele Todesopfer erforderte) erspart geblieben, weil wir die Erzeugung dieses Produktes mit saemtlichen Erfahrungen, die die Amerikaner in langen Jahren gesammelt hatten, ohne weiteres aufnehmen konnten.

Alles in allem wie schon in einer offiziellen Studie der amerikanischen Regierung ueber die Verwendung internationaler Kartelle durch Deutschland festgestellt wurde:

Deutschland verwandte das Mittel der Kartelle zur Staerkung seiner Faeheigkeit Krieg zu fuehren und umgekehrt, zur Schwaechung der Faeheigkeit seiner moeglichen Feinde. Und die gleiche Einstellung geht aus einem Memorandum hervor, das vom Rechtsausschuss der I.G. im Februar 1941 entworfen worden war und die Verwendung von Kartellen nach einem deutschen Sieg ins Auge fasste. Es hiess darin:

"Die wesentliche Aufgabe der internationalen chemischen Kartelle nach dem Kriege wird es sein, die deutsche Fuehrung einer europaeischen Grossraumwirtschaft zu unterstuetzen. Gerade diese Kartelle sind besonders geeignet, widerstrebende Fabrikanten in die Gesamtorganisation einzufuegen und alle Aersiffe gegen uebersseige Konkurrenz zu sammeln.

1. "Study of the FEA Drafting Committee on the Treatment of German Participation in International Cartels from the Standpoint of International Security." 10. Oktober 1945, p.2.

3. Zusammenfassung

An Ende der Aufzählung solcher Tatsachen und Taten, wie sie in Punkt 1. der Anklageschrift enthalten sind, und beim Rückblick auf die letzten 15 Jahre kommt einem zwangsläufig das Wort "warum" in den Sinn. Warum verhalfen die Angeklagten Hitler zur Macht? Warum sagte Krupp von Bohlen Hitler im Jahre 1933, dass das nationalsozialistische Regime mit den Wünschen der deutschen Industrie im Einklang stehe? Und warum sagte Carl Bosch im Juli desselben Jahres den Leuten von Du Pont, dass "die Industrie die gegenwertige Regierung unterstützen müsse"? Warum brachten Kreuch und Schmitz und Schnitzler und Ter Meer und die anderen fuhrenden Angeklagten ihr Imperium in eine geschlossene Front mit Hitler und Goering und beschliessen es in dieser Front, selbst nachdem die Zukunft ihnen so klar geworden war? Es gibt Leute, die sagen werden, dass all diese um des Geldes willen getan worden sei, und zweifellos spielte das Gewinnmotiv eine Rolle. Aber es ist schwer anzunehmen, dass Habgucht allein Maenner zu den Entschlussen treiben koennte, die von diesen Maennern gefasst wurden. Sicher waren auch andere Ziele vorhanden, von denen einige sogar noch tiefere Ursachen hatten.

Wenn man die ganze Geschichte des ungeheuren und verwandlungsreichen Unternehmens ueberblickt, welches diese Maenner und ihre Vorgaenger beherrschten, haelt es schwer, nicht zur Schlussfolgerung zu gelangen, dass diese Maenner von demselben unerrettlichen Machthunger beherrscht

wurden, der jahrelang die ~~Gefühle~~ der Militärmasse und vieler anderer fuchrender Deutscher erfasst und vernebelt hat. Die Worte des verstorbenen Carl Duisberg sind fuer diese Angeklagten netuerlich nicht bindend, aber Duisberg muss einen starken Einfluss auf diese Macnner gehabt haben, und was er sagte, wirft ein Licht auf das Ethos des Unternehmens, dem sie ihr Leben geweiht hatten. Wir haben aus Duisbergs ansprechen an die Reichsvereinigung deutsche Industrie von 1925 bis 1930 einige Auszuege ausgewaehlt.

Seid einig, einig, einig! So musste man wohl drueben in dem grossen Hause, dem Reichstag, wie in den kleineren, dem Landtag, den Parteien immerfort zurufen. Ein Rufen auf die Einigkeit sind auch die Verhaeltnisse, wie sie sich bei der hinter uns liegenden ersten erfolglosen Reichsprasidentenwahl abgespielt haben. Hoffentlich wirkt unsere heutige Mahnung und findet sich der starke Mann, - denn der ist, das haben wir bei Bismarck gesehen, bei uns Deutschen immer noetig-. (1925)

Meine Herren! Sie duerfen mir glauben, niemand gesteht die Schwache seines Landes gerne ein. Und doch halte ich mich fuer verpflichtet, den In- und Ausland gegenueber an jeder Stelle und zu jeder Stunde zu sagen: Gesteht es ehrlich zu, ein Krieg fuer Deutschland ist eine Unmoeglichkeit. Wir sind entwaeffnet.....

Aber zurueck zur Tat. Meine Herren! Was Deutschland gross und maechtig gemacht hat, das waren seine Friedens taeten. Die ganze Welt kannte sie, und die ganze Welt muss sie wieder kennen lernen. Mit dem Bestehenden, so hart wie es ist, muessen wir rechnen. Auf dem Bestehenden, so hart wie es ist, muessen wir wieder aufbauen. Schalten wir das dem Deutschen so liegende: "Hastet und dann" aus. Arbeiten wir denn. (1925)

Wenn Deutschland wieder hochkommen soll, denn muessen auch alle Kreise unseres Volkes zu der Einsicht kommen, dass Fuhrer notwendig sind, die, unbekuemert um den Wankelmut der Masse, sich Betaeetigen koennen. Schon Konfuzius sagte: "Die Monachen muessen zu ihrem wahren Wohl geleitet werden durch Fuhrerpersoenlichkeiten." Er fuegte aber hinzu, "nur solche Monachen, die sich seelisch vollstaendig durchgebildet haben, die frei von aller Willkuerlichkeit und Unbeherrschtheit ihr Wesen vollkommen in der Hand haben, werden instande sein, andere Monachen zu leiten."

Hoffentlich findet sich in Deutschland die erforderliche Zahl solcher Persönlichkeiten, die Führer ihres Volkes sein werden. Nur dann wird es aus tiefer Not wieder zu früherer Höhe ansteigen. (1923)

Das eine ist sicher: Wie auch die Entscheidung fallen mag, schwere Zahlungen werden uns nicht erspart bleiben, nachdem die Machtlosigkeit unseres Vaterlandes jeden Widerstandsversuch aussichtslos erscheinen lässt. Auch hierfür gilt das Wort des grossen Preussenkönigs: "Politik ohne Macht ist ein Konzert ohne Instrumente". (1929)

Durch die Revolution wurde an die Stelle der konstitutionellen Regierungsform mit ständigen Vertretercharakter, in der ein gut geschulter und sachkundiger Beamtensapparat vom Gesichtspunkt des Gemeinwohls aus die Staatsaufgaben zu lösen versuchte, der durch eine ausgeprägte Parteiherrschafft charakterisierte Volkstaat gesetzt.

Während vorher in grossen und ganzen die Wirtschaft eine streng sachliche Behandlung ihrer Angelegenheiten erfuhr und so keinen Anlass zu eigenen aktiven Eingriffen in die Politik hatte, wanderte sich dieser Zustand nach dem Umsturz wesentlich. "Die letzte Entscheidung in wirtschaftlichen Dingen wurde, wie bei allen modernen Demokratien der Welt, in die Hände der Masse gelegt, die in Wirtschaftsfragen weder sachverständig war, noch dies sein konnte, auch nicht bereit ist, die Verantwortung fuer die eigenen Entschlüsse zu tragen, deren Folgen sie in allererster Linie treffen. Der überragende und massgebliche Einfluss gewerkschaftlich organisierter Arbeitermassen, ueberwiegend mit sozialistischen Weltanschauungen und abgeklärter Klassenkampfeinstellung, veranlasst die wirtschaftlichen Entscheidungen, die von Staat oder seinen Organen zu vertreten sind, von einer rein sachlichen Beurteilung aus auf die politische Plattform..... Ich bin mehr denn je davon ueberzeugt, dass unsere Wirtschaft mit allen Krafteu daran gehen muss, in den Kreisen, denen das deutsche Unternehmen zugehört, naemlich in der grossen Neu- und Umschichtung des modernen deutschen Arbeitsuergertums mit staatsbejahender Einstellung, seinen Einfluss zur Geltung zu bringen. Es gilt, in aktiver politischer Arbeit fuer die Durchsetzung und Beruecksichtigung wirtschaftlicher Notwendigkeiten bei politischen Entscheidungen zu kaempfen. (1930)

Diese Worte wurden gesprochen, ehe die meisten von uns je von Hitler gehoert hatten. Es ist gewiss nicht in Hitlers Stil, aber fast ausnahmslos laufen die Gedanken ausserordentlich parallel mit denen in Hitlers Ansprache an die Industriellen, 3 Jahre spaeter. Hitler war der "starke Mann", der Wirtschaftsfraegen, den "Massen aus der Hand nehmen" wurde, Deutschlands

"Macht" wiederherstellen und sie von der Schande befreien würde
"zurückgeben", dass "Krieg zu führen fuer Deutschland unmöglich sei".

Ungefähr ein Jahrzehnt, nachdem der letzte der oben erwähnten
Abschnitte von Duisberg geschrieben worden war, reichte der ange-
klagte Krauch im April 1939 einen "Arbeitsbericht" ein als "der
Generalbevollmächtigte des Ministerpräsidenten Generalfeld-
marschalls Goering fuer Sonderfragen der chemischen Erzeugung".
Bohmen und Mähren waren gerade durch Drohungen erobert und durch
Waffenmacht besetzt worden; das Sudetenland und Oesterreich waren
in die jüngste Geschichte eingegraben. Die Deutsche "Macht" war
wiederhergestellt worden; Deutschland hatte nicht nur die
Möglichkeit, Krieg zu führen, sondern ganz Europa zitterte
unter dem Deutschen Terror. Ein Führer des "des Interesse fuer
die Massen der Masse" oder fuer die Grundgesetze des allgemeinen
Anstands und der Menschlichkeit vollständig abging, war entstanden,
und "die Arbeitermassen" hatten nicht mehr das Gerindeste bei der
Lösung von "Wirtschaftsfragen" zu sagen. Der Abschluss von
Krauchs Bericht ist nichts weiter als eine folgerichtige Fortführung
der Gedankenreihe, welchen Duisberg vor einem Jahrzehnt Ausdruck
verliehen hatte; Krauch ist weniger philosophisch aber erschreckend
praktisch;

Als am 30.6.1938 die Ziele fuer die Erzeugungsteigerung auf
den hier besprochenen Gebieten von Herrn Generalfeldmarschall
gesetzt wurden, schien es, als habe die politische Führung
die Möglichkeit, Zeitmass und Umfang der politischen Um-
wälzungen in Europa - unter Vermeidung einer Auseinander-
setzung mit einer von England gefuehrten Mächtegruppe -
allein zu bestimmen. Seit März dieses Jahres ist kein Zweifel
mehr möglich, dass diese Voraussetzung nicht mehr besteht.
Der insofern schon lange angelaufene Wirtschaftskrieg
gegen die Antikominternmächte unter Führung von England,
Frankreich und USA ist jetzt endgültig eröffnet; er wird
mit der Zeit immer schärfere Formen annehmen.

Der Führer hat in Wilhelmshaven seinen Willen ausgesprochen, ging solchen zunächst wirtschaftlichen und politischen, in England aber militärischen Einkreisung nicht tatenlos zu-
sehen,

Aus diesem Entschlusse müssen n.B. sofort, auch fuer das Gebiet der Chemie-Wirtschaft, die notwendigen Folgerungen gezogen werden. Sie lauten in grossen:

Schaffung eines einheitlichen Grosswirtschaftsblocks der vier europäischen Antikontern-Partner, zu denen bald Jugoslawien und Bulgarien hinzutreten müssen.

Innerhalb dieses Blocks Aufbau und Steuerung der Wehrwirtschaft nach den Gesichtspunkten eines Verteidigungskrieges der Koalition.

Der Block muss seinen Einfluss ausdehnen auf Rumänien, Türkei und Iran. Fuer die Methoden der Einflussgewinnung ist dabei der deutsch-rumänische Staatsvertrag das gegebene Vorbild.

Die hohe Bedeutung der Erweiterung der Handelsbeziehungen mit Russland wird durch die allmähliche Verlagerung des deutschen Wirtschafts- und Ausfuhrschwerpunktes nach dem Osten und durch die zwingende Notwendigkeit, im Kriegsfall die Ukraine wehrwirtschaftlich auszunutzen (Eisen), unterstrichen.

Durch die offene Einkreisungspolitik der Gegner ist eine neue Lage geschaffen:

Deutschland muss das eigene Kriegspotential und das seiner Verbündeten so stärken, dass die Koalition den Anstrengungen fast der ganzen uebrigen Welt gewachsen ist. Das kann nur durch neue, grosse und gemeinsame Anstrengungen aller Verbündeten geschehen, und durch eine der Rohstoff-Basis der Koalition entsprechende verbesserte, zunächst friedliche Ausweitung des Grosswirtschaftsraumes auf den Balkan und Spanien.

Werden diese Gedanken nicht raschestens in die Tat umgesetzt, so schuetzen alle Blutopfer im naechsten Krieg nicht vor dem aus Mangel an Voraussicht und an Entschlusskraft schon einmal selbst verschuldeten bitteren Ende.

Wir wollen noch ein weiteres Jahr verstreichen lassen. Es ist Juni 1940; Polen, Norwegen, Belgien und die Niederlande sind erobert und besetzt worden. Es ist einige Wochen nach Dusskirchen, und Frankreich ist im Begriff zu kapitulieren. Ungefähr

um diese Zeit berief der Angeklagte von Schnitzler eine Versammlung des kaufmännischen Ausschusses der I.G. ein, um sich ueber die Grundsätze zu einigen, auf denen sich, was die Angeklagten die "Neuordnung" fuer die chemische Industrie nannten, aufbaute. Anfang August legte die I.G. dieses Schriftstueck dem Reichswirtschaftsminister vor. Der Bericht erklarte, dass in Europa bald ein "Wirtschafts-grossraum" gebildet wurde, dass:

nach Abschluss des Krieges die Aufgabe zufallen werde, den Austausch von Waren mit anderen Grossraeumen in freier Konkurrenz zu organisieren — eine Aufgabe, welche ganz besonders die Wiederherstellung und Sicherung der Hochachtung vor der Deutschen chemischen Industrie in der Welt in sich schliessen wurde.

Das unmittelbare Ziel der "Neuordnung" war die Eingliederung der europäischen Produktion in die Deutsche Kriegsmaschine. Das Ziel fuer die fernere Zukunft war die Einbeziehung der chemischen Industrie Europas, einschliesslich der Grossbritannien, in den Rahmen der deutschen Vormachtstellung und schliesslich die Beherrschung der chemischen Industrie der ganzen Welt durch die I.G.. Die "Neuordnung" war ein sorgfaeltig ausgearbeiteter Plan fuer die Verwendung der Wirtschaftswaffen der I.G., Kartelle, Beteiligungen, und technische Errungenschaften zur Bekämpfung der letzten noch verbliebenen Bedrohung ihrer Oberherreschaft, der westlichen Halbkugel.

Wachrend Grossbritannien nicht in Einzelheiten in die "Neuordnung" einbegriffen war, beschloss der kaufmännische Ausschuss in einer Versammlung am 12. November 1940, an der die Angeklagten von Schnitzler, Hasflinger, Ilgner, Kuehne, von Ederien, Kugler, Mann, Ter Moor und Oster teilnahmen, dass in Erwartung der Eroberung Grossbritanniens diesem Lande sofortige Aufmerksamkeit

geschenkt werden müssen. Sie kann weiterhin

dass die verschiedenen Verkaufverträge und andere interessierte Stellen die Angelegenheit im voraus genügend ausarbeiten sollten, so dass die I.G., sobald wie möglich, zu gelegener Zeit eine umfassende Stellungnahme zum Ausdruck bringen kann.

Die Verzeichnisse der Chemischen Industrien Grossbritanniens, die in der Volkswirtschaftlichen Forschungsabteilung (VOWI) in Vorbereitung sind, sollten Dr. Ter Meer und Dr. von Schnitzler zur Begutachtung vorgelegt werden, bevor sie weitergeleitet werden.

Die "Neuordnung" wurde nicht vorbereitet fertiggestellt; sie war eine vollständige Darlegung von Plänen, welche die I.G., seit dem ersten Weltkriege entwickelt und gehofft hatte, durch Deutschlands Vergrösserung durchzuführen. Die "Neuordnung" enthielt Tausende von Seiten spezieller Programme fuer die chemischen Industrien Europas, einschliesslich Grossbritanniens. Diese bis ins einzelne gehenden Pläne umrissen den bestehenden Aufbau der chemischen Industrien der europäischen Länder und gaben eine Darstellung von ihrer zukünftigen Gestaltung und Richtung. In vielen Fällen plante die I.G., die chemischen Gesellschaften und Produktion in gewissen Ländern vollständig aufzulösen und diese Länder dadurch von dem Reich vollkommen abhängig zu machen und dadurch Deutschlands militärische Oberherrschaft zu sichern.

Zusammenfassend kann gesagt werden, dass sie ein Plan zur Zusammenfassung der chemischen Industrie des europäischen Kontinents einschliesslich Grossbritanniens war, um gegen die Welt Krieg zu führen. Sie ist ein Plan zur Verwirklichung der Ideen Duibergs und der Prophezeiungen Kreuchs. Wir zu brauchen in diesem Prozess nicht weiter nach den Motiven suchen;

es ist alles in diesen Schriftstücken niedergelegt. Sie sind in der leidenschaftlosen Sprache der Wissenschaft und des Handels geschrieben, aber zwischen den Zeilen sind der schwelende Haß und der grenzenlose Ehrgeiz leicht zu erkennen. Diese Männer wollten sich die Welt zu eigen machen, und sie waren bereit, sie zu zerschmettern, wenn sie ihren Willen nicht durchsetzen konnten.

PUNKT 2: PLÜNDERUNG UND RAUB.

Die in Punkt 2 der Anklageschrift enthaltenen Beschuldigungen stützen sich auf althergebrachte und bewährte Grundsätze des internationalen Strafrechts, wie sie in der Haager Konvention und anderen massgeblichen Rechtsquellen niedergelegt sind. Artikel 2 des Kontrollratsgesetzes No. 10 stellt unter den Kriegsverbrechen die "Plünderung von öffentlichem und privatem Eigentum" unter Strafe und erkennt, unter den Verbrechen gegen die Menschlichkeit, den verbrecherischen Charakter unmenschlicher Handlungen und anderer gegen die Zivilbevölkerung gerichteter Straftaten an. Ziel und tatsächliches Ergebnis der von Deutschland unternommenen Invasionen und Angriffskriege war die völlige Vernichtung der Volkswirtschaft in den besetzten Ländern. Die nationalsozialistische Regierung liess über ihr Endziel keinerlei Zweifel; die deutschen Industriellen, allen voran die Angeklagten, förderten diese Politik und machten sie für sich aus. Die mit dem Krieg verbundenen Leiden wurden dadurch bewusst und verbrecherisch vermehrt. Hungernot, die die ganze Bevölkerung ergriff, vervielfachte die Zahl der Kriegesopfer. Der Internationale Militärgerichtshof fasste in seiner Entscheidung seine Feststellungen über Plünderung und Raub wie folgt zusammen:

"Das Beweismaterial in vorliegendem Falle hat jedoch gezeigt, dass die von Deutschland besetzten Gebiete für den deutschen Kriegseinsatz in der unberechnigsten Weise ausgebeutet wurden, ohne Rücksichtnahme auf die örtliche Wirtschaft und in Verfolg vorbedachter Planung und Politik. Tatsächlich lag systematische 'Plünderung öffentlichen und privaten Eigentums' vor, die von Artikel 6 (6) des Statuts als verbrecherisch bezeichnet wurde."

Bei der Vorbereitung und Ausführung dieser Verbrechen spielte die I.G. eine wichtige Rolle. Bei Betrachtung ihres besonderen Anteils in der Behandlung der deutschen Industrie der be-

setzten Laender sollten wir uns wiederum die Bondigkeit der I.G. vor Augen halten; ihre Faehigkeit, sich den nousseren Umstoenden anzupassen und einen geschickten Kurs zu steuern, der dem Nazi-Regime genehm war und gleichzeitig die I.G. in die Lage versetzte, ihr eigenes industrielles Reich zu erhalten und auszudehnen. Der Gang der Ereignisse zeige, dass die Fuehrer der I.G. wussten, wenn es galt, schnell und urchungslos zuzuschlagen wie im Falle Polens, und wenn es zweckmassiger war, abzuwarten, bis die Gesamtsituation der I.G. gunstiger wurden wie im Falle Frankreichs. Immer aber finden wir die I.G. bereit; bereit mit einer gruendlichen Analyse der politischen, wirtschaftlichen und militaerischen Lage und der in Betracht kommenden Persoenlichkeiten; bereit mit einem Stab von Sachverstaendigen, die auf jede Moeglichkeit gesiebt waren; mit beflissenen hochgestellten Nazis, an die man sich im geeigneten Moment zweckmassig wenden konnte; und mit Strohmannern und Verbindungsleuten, die man fuer die I.G. verschicken konnte, wenn sie selbst zur Zeit noch im Hintergrund zu bleiben wuenschte. Fuer moralische oder rechtliche Erwagungen irgend welcher Art war keinerlei Raum. Fuer die I.G. hatten Krieg und Invasion nur ein Ziel: die Bereicherung der I.G. und die Ausdehnung des deutschen wie des eigenen Herrschaftsbereiches et perent mundus. Die I.G. hatte nicht die deutschen Angriffskriege unterstuetzt und gefordert, um nun bei der Verteilung der Beute abseits zu stehen und zuzusehen.

Als wir unser Beweismaterial zu Punkt 1 der Anklageschrift skizzierten, haben wir bereits kurz geschildert, wie die I.G. die chemische Industrie Oesterreichs und ^{der} Tschechoslowakei an sich riss und ausbeutete. Diese Handlungen bildeten einen Teil der Invasion und Besetzung Oesterreichs und

der Tschechoslowakei und fallen daher unter Anklagepunkt 1. Die gleichen Handlungen stellen Kriegsverbrechen und Verbrechen gegen die Menschlichkeit dar, wie in Punkt 2 der Anklage ausgeführt ist.

Um den Kuerze willen wollen wir uns hier auf eine summarische Uebersicht des Beweismaterials in Verbindung mit Pluenderung und Raub in drei Laendern beschraenken: in Polen, Frankreich und der Sowjet-Union. Wie die Anklageschrift dargelegt hat, beschraenken sich die Verbrechen der I.G. gemass Punkt 2 durchaus nicht auf diese drei Laender; u.a. sind Norwegen, Griechenland und Jugoslawien in gleicher Weise ihre Opfer. Aber das Beweismaterial bezueglich dieser anderen Laender wird erst im Zuge der Verhandlungen unterbreitet werden.

A. POLEN

Das Deutsche Reich hatte Polen kaum unterworfen, als es sich bereits die "rechtliche" Grundlage schuf, um einen "Rechtstitel" fuer offentliges und privates Eigentum in Polen zu erwerben. Zu diesem Zwecke erging eine Reihe von Verordnungen. Die Macht der Deutschen Behoerden, polnisches Eigentum zu "sequestrieren", war nach diesen Verordnungen praktisch unbegrenzt. Die nationalsozialistische Gesetzgebung und die "Ingestellten der I.G. nannten Polen den "ehemaligen polnischen Staat". Bezueglich des Eigentums wurden fruhere Verordnungen schoenlichen Inhalts durch die "Verordnung ueber die Sicherstellung des Vermoegens des ehemaligen polnischen Staates" vom 15. Januar 1940 abgeloeset, die bestimmte:

Das gesamte bewegliche und unbewegliche Vermögen (nebst allem Zubehör) des bisherigen polnischen Staates einschliesslich aller Forderungen, Beteiligungen, Rechte und Interessen aller Art wird sichergestellt.

Und ein schlichter zweiter Paragraph sah vor:

Dieses Vermögen wird zwecks Sicherstellung beschlagnahmt.

Eine weitere Verordnung vom 17. September 1940, die wiederum andere Verordnungen ähnlichen Inhalts bestätigte und ergänzte, beschäftigte sich mit polnischen Eigentum in den eingegliederten Ostgebieten (dem sogenannten "arthogau"). Die Verordnung sieht die "Sequestrierung" polnischen Eigentums vor und bestimmt:

Geschlagnahmtes Vermögen kann durch die zuständige Stelle zugunsten des Deutschen Reiches eingezogen werden, wenn es das öffentliche Wohl, insbesondere die Reichverteidigung oder die Festigung deutschen Volkstums erfordert.

Die Behörde, auf die Verordnungen dieser Art Bezug nehmend, war die Hauptverwaltung Ost. Die allgemeine Richtlinie, nach denen sie arbeitete, hat der beruochtigte Hans Frank, General-Gouverneur Polens, in folgender Weise beschrieben:

Am 15.9.39 erhielt ich den Auftrag, die Verwaltung der eroberten Ostgebiete aufzunehmen, mit dem Sonderbefehl, diesen Bereich als Kriegsgelände und Beuteland rücksichtslos auszunutzen, es in seiner wirtschaftlichen, sozialen, kulturellen, politischen Struktur zerlegen zu einem Trümmerhaufen zu machen.

Diese Handhabung war eine heisse Verletzung aller hergebrachten Normen des Kriegesrechts und der Kriegsgebrauche, die die zulässige Benutzung der Hilfsquellen besetzter Gebiete begrenzen. An der unverhüllten Plünderung hatte die I.G. ihren vollen Anteil. Wir haben bereits erwähnt, dass zwei Monate vor Kriegsausbruch, im Juli 1939, das Büro des Angeklagten Ilmer in Berlin N.W.7 einen umfassenden Bericht gefertigt hatte: "Die wichtigsten chemischen Fabriken in Polen", der die Grundlage fuer die rauberische

Tätigkeit der I.G. in Polen bildete.

Die drei bedeutendsten polnischen Unternehmungen auf chemischen Gebiet waren "Boruta" bei Lodz, und "Wola" und "Winnica" in der Nähe Warschau. Alle drei erzeugten Farbstoffe und andere Chemikalien, Boruta dazu auch Explosivstoffe. Boruta und Wola waren alte Firmen mit ausgezeichneten Namen; alle drei waren Mitglieder des internationalen Farbstoffkartells.

Noch bevor Lodz, geschweige denn Warschau gefallen war, rief der Angeklagte von Schnitzler am 7. September 1939, d.h. kaum 8 Tage nach dem Angriff auf Polen, den I.G.-Direktor Schweb zu sich und bat ihn, sich auf die Leitung der polnischen Farbstoff-Fabriken vorzubereiten, die mit hoher Wahrscheinlichkeit demnächst den Deutschen in die Hände fallen würden. Am gleichen Tage bat er das Berliner Büro der I.G., sich mit dem Reichswirtschaftsministerium in Verbindung zu setzen. Der Angeklagte Hefflinger sprach sofort im Ministerium vor, unterrichtete es über die polnischen Fabriken und bat um die Treuhandschaft fuer die I.G. Am 14. September 1939 sprach der Angeklagte von Schnitzler, von Schweb begleitet, bei Dr. Dulert vom Reichswirtschaftsministerium vor und wies eindringlich darauf hin, dass die I.G., und nur sie, der geeignete Treuhänder fuer Boruta, Wola und Winnica sei. Er machte geltend, dass Boruta von ausschuetzender Bedeutung fuer den Kriegseinsatz sei, da 85% der I.G.-Erzeugung an Anilin-Farbstoffen und ihrer Zwischenprodukte von I.G.-Fabriken im Westen erzeugt werde, die Luftangriffen ausgesetzt seien. Er betonte, dass die Fabrik Wola Juden gehoeere und dass sie geschlossen werden sollte, da sie

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Juli 1942 an die Wehr, aber es gelang ihm zu entschleichen und sich
zu verhehlen. Dank der Parteigenossenfreundschaft und Beherztheit seines
früheren Vorgesetzten konnte er schließlich dem Ghetto entkommen und
die deutsche Gestapo überleben. Sein Sohn, sein Schwiegersohn,
seine Schwester, zwei seiner Brüder mit ihren Familien und alle
vier Nachbarn seiner Wohnung wurden in Ghetto ermordet.

No. File No. 2004-174

Eine der *Wachstums(n) Faser die Forderung der Wirtschaft in den nachstehenden Gebieten, die kurz nach dem Angriff auf die Sowjetunion veröffentlicht wurde, sah vor

"Nach den von Fischer gegebenen Aufträgen sind alle Maßnahmen zu treffen, die notwendig sind, um die sofortige und höchstmögliche Ausrüstung der besetzten Gebiete zu Gunsten Deutschlands herbeizuführen."

Die Bestimmungen der Kaiser-Landkriegsordnung von Jahre 1907, der
Botschaft bedürftig war, dass man offen sagen konnte,

*Da die UMR die selbstbest. zu betrachten ist.

Die Hilfsquellen desgetrunkene waren auf der rechtschlechtesten
kannst du, auch

Was sind Millionen Menschen auch Hungers sterben sollten.

Die Washington waren geschaffene Förderer und Mitarbeiter des
Pianos, die Hilfspolizei des Amerikaners in eine Befugnis zu plündern,
wie ihn die andere Befugnis noch nicht gesehen hat. Die I.O. nahm
als selbstverständlich an, dass der Deutsche nicht "der Nachfolger
des ehemaligen sozialistischen Staatspräsidenten" geworden war, und
richtete ihre Bemerkungen von Anfang an auf einen möglichst groben
Angriff an. Diese sind aber nicht so leicht zu vermeiden. Die
Entscheidungsfindung ist, selbst in Japan, abgeschlossen,
die Partei der US- und Briten, die zu reservieren. In diesem
zu der Zeit, in der wir leben, ist es nicht der deutsche
Interesse die "Worte" der russischen Unternehmungen. Statt dessen

richtete sie sogenannte "Monopol"- oder "Kartellgesellschaften", die die Aufgabe hatten, die russischen Fabriken zu "betreuen". Unter diesen Umständen versuchte die I.G., einen möglichst grossen Anteil an diesen Monopolgesellschaften zu erlangen und diese eigenen Angestellten in Schlüsselstellungen zu installieren.

Natürlich konnte eine blosser Beteiligung an den "Monopolgesellschaften" den Wünschen der I.G. nicht genügen. Wenigstens auf ihrem eigenen Gebiete, namentlich auf dem des synthetischen Gummi, wollte die I.G. die ausschliessliche Herrschaft. Dass die "aufgelösten" Sowjetunion von ihren eigenen Gummi-Fabriken, ihren Vorräten und Anlagen völlig ausgeschlossen war, verstand sich von selbst. Der Ankläger Andre sandte Rundschreiben an die Angestellten der I.G., die dazu ausersehen waren, die russischen Gummi-Fabriken auszubauen. Das erste Rundschreiben vom 1. Juli 1941 besagte:

"es ist beabsichtigt, dass, wenn Ihr Einsatz in Russland erfolgt, eine Kommission, bestehend aus Tulff, Niederkopf und mir, nach Russland kommt, um mit Ihnen die Frage des Einsatzes der russischen Anlagen fuer Erzeugung bestimmter Gummi-Sorten oder deren Verprodukte zu regeln, damit möglichst bald auch die russische Produktion fuer unsere Absichten dienstbar gemacht werden kann."

Angestellte der I.G., die, mit der amtlichen Erlaubnis des "Genlerfuchters" ausgetattet, die russischen Gummi-Fabriken uebernehmen sollten, wurden von Andre benannt, zunaechst provisorisch und dann "offiziell". Hast und Uebereifer der I.G. waren derart, dass ihre Abgesandten selbst noch die deutschen Gruppen an Schnelligkeit uebertrofen. Wilers, ein Angestellter der I.G., berichtete das Scheitern einer Mission. Er musste "unverrichteter Dinge" von Tjumen nach wieder zurueckkehren: "Es sei ihm unendlich gemuen, an das Werk Tjumen nach heranzukommen, da SK II (= Synthese Kautschuk Patrik II in Tjumen) bisher noch nicht in deutschen Besitz war". Die I.G. stellte Listen aller russischen Fabriken fuer Gummi, Kunststoffe und Farben zusammen, Fabriken in Gorkij, Arma-

nien und Ost-Sibirien eingeschlossen. Direktor der I.G. Bergwardt sandte diese Listen am 14. Januar 1942 an die in Frage kommenden Vertreter der I.G. mit folgendem Begleitschreiben:

Ich empfehle darauf zu achten, wenn die in der Aufstellung genannten Orte von den deutschen Truppen besetzt werden, damit wir dann mit den zuständigen behördlichen Stellen sofort Fühlung nehmen können.

In einer Konferenz mit Dr. Ungewitter im Oktober 1941 wurde Günstigkeit darüber erzielt, dass die "Betriebe" der russischen Gummi-Fabriken vom Reich der I.G. übertragen werden sollte. Es war schon schwieriger, ein Verkaufsrecht dargestellt zu erhalten, dass, wenn sich die deutsche Regierung für den Verkauf der Anlagen entscheiden sollte, die I.G. das erste Angebot erhielte.

Aber im Dezember 1941 stimmte das Reichswirtschaftsministerium dem Verkaufsrecht der I.G. grundsätzlich zu. Die Hauptschwierigkeit war die Forderung der I.G., das ausschließliche Recht auf Benutzung der russischen Verfahren und des "Know-how" innerhalb Deutschlands zu erlangen. In dieser Beziehung war die Regierung hartnäckig. Aber die I.G. war nicht leicht zu enttäuschen. Obwohl in ihrem Verkehr mit Nationalsozialistischen Behörden meist diplomatisch, legte sie ihre Einwände gegen das Eindringen des Reiches in ihre Domäne in einem von ihr unterschriebenen Brief an das Reichswirtschaftsministerium in recht deutlicher Sprache dar:

Wie Ihnen bekannt ist, hat die I.G. unter sehr erheblichen Aufwand von Arbeit und Geld die Entwicklung des Gums so rechtzeitige durchgeführt und auf privatwirtschaftliches Niveau erschlossen zur Herstellung von Gummi in solchem Umfang erstellt, dass der kriegswirtschaftliche Kautschukbedarf der deutschen Wehrmacht und Wirtschaft gedeckt werden kann. Wir glauben, dass es in Anbetracht dieser Leistungen, die die I.G. im Interesse des Reiches erbracht hat, eine Unbilligkeit wäre, wenn das Reich mit Hilfe der in Sowjet-Russland verfügbaren Verfahren der I.G. in Deutschland in der Verfahrensvorbereitung Konkurrenz machen würde, zumal die in Sowjet-Russland verfügbaren Verfahren dem Reich nur durch Vermittlung derjenigen Spezialkräfte zugänglich werden können, welche die I.G. dem Reich für diesen Zweck zur Verfügung gestellt hat.

Die Truempfe, die sie in der Hand hielt, enthüllt hier die I.G. mit aller Deutlichkeit. Indem sie die Initiative ergriff und ihre eigenen Mittel aufs Spiel setzte, hatte sie der deutschen Kriegsmaschine unermessliche Dienste erwiesen und konnte sich nun leisten, hart zu bleiben, da die Nationalsozialistische Regierung vollstaendig auf die Mitarbeit der I.G. angewiesen war. Wie Albert Speer in seinem Brief an Himmler vom Juli 1944 erklarte:

Ich bedaure jedoch, dass im Verlauf des Vierjahresplans keine Konkurrenzfirma zum I.G.-Konzern gegruendet wurde, wie dies bei den Hermann-Goeering-Werken der Fall war. Zur Zeit, als die zahlreichen neuen Fabriken des Vierjahresplanes gegruendet wurden, waere das sehr leicht moeglich gewesen. Heute sind wir vollkommen von der Arbeit der I.G. fuer den chemischen Fortschritt abhaengig.

C. FRANKREICH.

In Voraussicht der Niederlage Frankreichs spannte die I.G. im Jahre 1940 ihre Ziele zur Vergrößerung ihres Weltreiches weiter, als lediglich die Teilnahme an der Beute vorzubereiten, die nach jeder neuen Angriffshandlung zur Verteilung stand. Wir haben bereits die "Neuordnung" fuer die chemische Industrie beschrieben, die die I.G. zwischen Juni und August 1940 entwickelte.

Die "Neuordnung" enthaelt die Pläne der I.G. mit Bezug auf die französische chemische Industrie. Die drei bedeutendsten französischen Unternehmen auf dem Farbensgebiet - Kuhlmann, St. Clair du Rhone und St. Denis - sollten zusammengefasst, die kleineren französischen Fabriken stillgelegt werden. Ein neuer Konzern der grossen Firmen sollte gebildet werden, der spaeater "Fransolor" genannt wurde.

Die deutsche Fluenderung in Ostern unterschied sich von dem in Ostern angewandten Schema in ihren Methoden aber nicht in ihrem Zweck. Die Nationalsozialistische Regierung, wie

Die I.G., hatten es auf völlige Unterwerfung der französischen Industrie und die grösstmögliche Ausnutzung ihrer Produktionskapazität fuer die deutsche Kriegsmaschine abgesehen. Aber im Falle Frankreichs war der Anschein eines ordnungsmässigen Verfahrens aufrecht zu erhalten; "collaboration" war das offizielle Schlagwort.

Die Gleichheit des Ziels ergibt sich jedoch eindeutig aus den amtlichen deutschen Richtlinien, die nicht zur Veröffentlichung im Auslande bestimmt waren. Unter dem Titel: "Systematische Ausbeutung der Wirtschaft der besetzten Westgebiete fuer die deutsche Kriegswirtschaft" hatte Goering am 6. Mai 1940 bestimmt:

Es ist eine Notwendigkeit von hoechster politischer Bedeutung, dass die Produktionsmöglichkeiten und Rohmaterialien in den besetzten Westgebieten systematisch in dem hoechstmoeglichen Umfange ausgenutzt werden, um der deutschen Ruestungsproduktion zu helfen und das Kriegspotential zur Erfuellung der Forderungen, die im Interesse der weiteren Kriegsfuehrung gestellt werden, zu erhoehen. Das Oberkommando der Wehrmacht und das Ministerium fuer Bewaffnung und Munition haben die in diesem Zusammenhang notwendigen Direktiven bereits veröffentlicht.

Die Gefahr der deutschen Industrie, noch bevor Frankreich den Waffenstillstand unterzeichnet hatte, war derart, dass Goering am 20. Juni 1940 fuer noetig hielt, zu bestimmen:

Die Bestrebungen der deutschen Industrie, Betriebe in dem besetzten Gebiet jetzt schon zu uebernehmen, muessen schaerfstens nicht werden.

Aber als die Entscheidung gefallen war, die Iludierung unter dem Deckmantel der "collaboration" zu betreiben, ordnete die Einladung an die deutsche Industrie, das ihrige zu tun, und sie nahm freudig an. Der Angeklagte Furster berichtete ueber "sehr beachtenswerte" Richtlinien, die Ministerialdirektor Schlotterer, "eine der massgeblichsten Persoenlichkeiten im Reichswirtschaftsministerium", in einem Vortrag vor dem Beirat der Reichsgruppe Industrie gegeben hatte. Danach war Schlotterer ein ueberzeugter Anhaenger der Auffassung,

dass die deutsche Industrie in die Industrie Frankreichs und anderer besetzter Laender eindringen musste;

Sie koennen jeden Betrag haben: Wichtig ist fuer uns, dass Sie eindringen und dass wir auf diese Weise unseren Einfluss in den betreffenden Laendern geltend machen koennen.

Bei der Unterjochung der franzoesischen chemischen Industrie handelte die I.G. in enger Zusammenarbeit mit der National-Sozialistischen Regierung, aber keineswegs unter ihrer Leitung. Die Initiative ging von der I.G. aus. Die I.G. war es, die den Plan entwarf, die franzoesische Konkurrenz ein fuer allemal auszuschalten, Herr im franzoesischen Hause zu werden, die franzoesische Ausfuhr zu verbieten und bei alledem doch den Schein eines freiwilligen Vertrages mit gegenseitigen Rechten und Pflichten zu wahren. Die National-Sozialistische Regierung hatte die "Neuordnung" der I.G. guesstig aufgenommen und ab von jenem Zeitpunkte an ihre Unterstuetzung ohne keine Anweisungen. Die I.G. betrachtete die Verhandlungen mit den Franzosen, wie der Angeklagte Kugler es formulierte,

als eine Angelegenheit der I.G.-Parben, bei der uns zwar die Unterstuetzung der deutschen Regierung erwuenscht war, bei der wir aber weder Direktiven noch auch den Ratschlag der Regierung benoetigten.

Der Plan der I.G. ging kurz dahin, "historisch" zu behaupten, dass ihre Vorgaenger-Firmen durch den Vertrag von Versailles und die Wahrung der franzoesischen chemischen Industrie in unfairer Weise geschadet worden waren. Diese Schaden galt es nun voll zu ersetzen. Offensichtlich fand die I.G., dass ihre "Grunden" den Franzosen nicht allzu ueberzeugend klingen wurden; sie beschloss daher, sie in eine Lage zu bringen, in der ihnen keine andere Wahl blieb als annehmen. Eines der Mittel bestand darin, die Unterhaltungen, nach denen die Franzosen so dringend verlangten, hinzuzuegern und die Zwischenzeit zur Aushungierung der franzoesischen chemischen Industrie zu benutzen. Nach dem Waffenstillstand

war es eine Frage auf Leben und Tod fuer das französische Volk und seine Industrie geworden, dass der besetzte Teil in den unbesetzten exportieren und umgekehrt importieren konnte. Ausfuhr und Einfuhr dieser Art erforderten eine Genehmigung, fuer deren Erteilung oder Versagung der deutsche Militaerbefehlshaber in Frankreich zustandig war. Die I.G. setzte es durch, dass solche Genehmigungen versagt wurden. Durch Mittel dieser Art hoffte die I.G., die Franzosen nachgebiger zu machen, oder, wie zu jener Zeit die Angeklagten es cynisch nannten: "verhandlungsbereit".

Als der Zustand der "Reife" erreicht schien, trafen sich die Angeklagten von Schnitzler, Tor Moor und Eurler mit den französischen Industriellen am 21. November 1940 in Wiesbaden. Das stenographische Verhandlungsprotokoll zeigt, dass die Franzosen auf das erbarmungsloseste behandelt wurden und dass sie sich der Alternative gegenuebersahen, entweder dem Diktat der I.G. sich zu beugen oder nicht weiter zu existieren. Die Franzosen taten, was immer ihnen in dieser Lage moeglich. Sie zogen die Verhandlungen hin; sie wandten sich an ihre Regierung um Hilfe; und sie versuchten, an den Angeklagten von Schnitzler persoenlich heranzukommen, um bessere Bedingungen zu erlangen. Es war alles vergebens. Ihr Haupteinwand richtete sich gegen eine 51 %ige Beteiligung der I.G. und ihre sich daraus ergebende Kontrolle des neuen Konzerns.

Aber der von der I.G. ausgeübte Druck war derart, dass die französische Regierung selbst den Industriellen schliesslich den Rat gab, nachzugeben. Ein Jahr nach dem Zusammentreffen in Wiesbaden wurde das Francoeler-Abkommen unterzeichnet, durch das die französische chemische Industrie ihre Unabhaengigkeit verlor und zur I.G. Filiale herabsank. Trotz des Terrors, unter dem sie standen, verlangten die französischen Industriellen die Aufnahme einer Iracambel in das

Francolor-Abkommen, durch die sie klarstellten, dass sie das Abkommen nicht aus freiem Willen unterzeichneten. Was das Ergebnis anlangt, so konnte der Angeklagte Ter Moor stolz berichten:

Für das Gebiet der Farben und Farberzeughilfsprodukte wurden die Franzosen im Vertrag auf den französischen Markt und die Ausfuhr nach Belgien und Spanien beschränkt und scheiden damit als Konkurrenten der Farbensparte auf sämtlichen übrigen Märkten aus.

Oder, wie es der Angeklagte von Schnitzler in seinem Brief an die französische Regierung formulierte: "Der leitende Gedanke" war, dass "ein Export der Francolor grundsätzlich nicht stattfinden sollte". Indessen:

Entscheidende Hilfestellung wurde der Francolor dadurch gewährt, dass ihr für Zwischenprodukte etc. Aufträge für den deutschen Rohbedarf zugeführt werden konnten.

Während die Angeklagten von Schnitzler, Ter Moor, Kugler und andere der Unterjochung der französischen Farbstoffindustrie sich widmeten, geleitete es den Angeklagten Mann, den Leiter der pharmazeutischen Verkaufsabteilung der I.G., nach dem französischen pharmazeutischen Konzern Rhone-Poulenc.

Wir sehen wiederum dasselbe Schema, diesmal mit gewissen Variationen. Durchsichtige Kunstgriffe und unverschleierte Drehungen folgten einander. Wir wollen gegenwärtig das Gericht mit Einzelheiten dieser "Verhandlungen" nicht belasten. Rhone-Poulenc war schliesslich gezwungen, einen beträchtlichen Teil ihrer Verkäufe durch eine Verkaufsgesellschaft zu tätigen, in der die I.G. 49 % im eigenen Namen besass und weitere 2 % durch einen französischen Strohmann; die also von der I.G. kontrolliert war. In diesem Falle wie in allen anderen, für die das Beweismaterial zu Punkt 2 der Anklageschrift unterbreitet werden wird, zeigte sich die I.G. in der Erreichung ihres verbrecherischen Ziels so wenig wie rücksichtslos.

PUNKT DREI: VERSKLAVUNG UND MASSENMORD.

Unter Punkt drei der Anklageschrift werden die Angeklagten solcher Verbrechen beschuldigt, die nicht nur von Völkerrecht sondern auch von den gewöhnlichen Strafgesetzen aller zivilisierten Nationen als solche anerkannt sind. Die Haager und Genfer Konventionen enthalten zahlreiche darauf bezügliche Bestimmungen hinsichtlich der Behandlung von Kriegsgefangenen und der Zivilbevölkerung besetzter Länder. Die Definitionen von "Kriegsverbrechen" und "Verbrechen gegen die Menschlichkeit" in Artikel II des Kontrollratsgesetzes Nr. 10 tun ausdrücklich in Acht und Bann: "Mord, Misshandlung, Verschleppung zur Zwangsarbeit oder anderen Zwecken der Zivilbevölkerung besetzter Gebiete, Mord oder Misshandlung von Kriegsgefangenen" und "Ausrottung, Versklavung, Zwangverschleppung, Freiheitsberaubung" und andere "unmenschliche Handlungen gegenüber der Zivilbevölkerung oder Verfolgung aus politischen, rassischen oder religiösen Gründen". Das Beweismaterial unter diesem Anklagepunkt bezieht sich hauptsächlich auf die Verwendung und den Missbrauch von Kriegsgefangenen, die Versklavung und Verschleppung zur Zwangsarbeit, die Misshandlung vieler Tausender von Zivilisten in den von Deutschland besetzten Ländern, die Durchführung grässlicher Experimente an versklavten Personen ohne ihre Einwilligung und die Ausrottung von Zwangsarbeitern, die verbraucht waren und nicht mehr länger als Arbeiter von Wert waren.

A. Die I.G. und das Zwangsarbeitsprogramm.

Das Zwangsarbeitsprogramm des Dritten Reiches war der widerliche Sprossling der von ihm geplanten und geführten Angriffskriege. Es war dazu bestimmt, die deutsche Kriegsmaschine auf Kosten der Freiheit und des Lebens von Millionen Menschen in Gange zu halten. Die Tyrannei und die Brutalität der Nazieroberei wurde von ihnen nicht nur in ihrer Heimat gespuert, in Frankreich, Belgien, Holland, Russland, Polen,

Tschechoslowakei, Dänemark und anderswo. Hunderttausende befahl darüberhinaus noch das Elend, von Familie und Heim losgerissen und nach Deutschland zur Zwangsarbeit geschickt zu werden und neheraus häufig in einen jämmerlichen und frühzeitigen Tod.

Die Geschichte des Zwangsarbeitprogramms wurde vor dem Internationalen Militärgerichtshof ausbreitet, und das Urteil des letzteren stellte ihre wesentlichen Tatsachen und den durch und durch verbrecherischen Charakter über jeden Zweifel erhaben fest. Im Urteil heisst es:¹

.....Die Einsiehungen von Arbeitskräften wurde in vielen Fällen durch drastische und gewaltsame Methoden erreicht. Die sogenannten "Fehler und Irrtümer" kamen in sehr grossem Umfange vor. Menschenjagden fanden in den Strassen, in Kinos, ja sogar in Kirchen und bei Nacht in Privathäusern statt. Manchmal wurden Häuser niedergebrannt und die Familien als Geiseln fest genommen. Handlungen, die nach den Worten des Angeklagten Rosenbergs ihren Ursprung "in den schwersten Zeiten des Sklavenhandels" hatten. Die Methoden, die zur Erlangung von Zwangsarbeitern aus der Ukraine angewandt wurden, werden klar aus dem Befehl an SD-Offisiere, welcher besagte: "Dabei wird es nicht immer ohne Zwangsmittel abgehen...Bei der Überholung von Dörfern beziehungsweise notwendig werdender Niederwerfung eines Dorfes wird die gesamte Bevölkerung dem Beauftragten zum Zwecke zur Verfügung gestellt.....Grundsätzlich werden keine Kinder mehr erschossen. Und wir also durch obige Anordnung unsere harten sicherheitspolizeilichen Massnahmen vorübergehend einschränken, so geschieht dies nur aus folgenden Gründen.....Das Wichtigste ist die Arbeiterbeschaffung."

Fritz Sauckel, Hitlers Generalbevollmächtigter für den Arbeitseinsatz erklärte, dass "von den fünf Millionen Arbeitern, die in Deutschland ankamen, noch keine 200 000 freiwillig kamen." Die erniedrigende Art und Weise, in der die versklavten Opfer behandelt wurden, wird in Sauckels Instruktionen vom 20. April 1942 klar dargestellt:

Alle diese Menschen müssen so ernährt, untergebracht und behandelt werden, dass sie bei denkbar sparsamstem Einsatz die denkbar grösstmögliche Leistung hervorbringen.

Und in seiner berühmten Rede im Oktober 1943 in Posen sagte Himmler:

Ob bei dem Bau eines Panzergrabens 10 000 russische Weiber an Entkrautung umfallen, interessiert mich nur insoweit, als der Panzergraben für Deutschland fertig wird.....Wir müssen uns klar sein, dass wir 6 oder 7 Millionen Ausländer in Deutschland haben.....Keiner von ihnen ist gefährlich solange wir bei der geringsten Kleinigkeit ernste Massnahmen ergreifen.

1. Urteil des Internationalen Militärgerichtshofs, Band I, Seite 275

Die Angeklagten haben auf dem Wege ueber die I.G. und auch in anderer Weise nicht nur wissentlich an der Verwendung von auslaendischen Zwan,arbeitern teilgenommen sondern waren auch bei ihrer Beschaffung sehr energisch. Z.B. sagte Sauckel, der im Maerz 1942 sein Amt antrat:

Als ich mein Amt antrat, hatte ich beträchtliche Schwierigkeiten, den wilden Anwerbungen und den vorstaendlichen selbstaendigen Massnahmen, die von einzelnen grossen Industrien oder einzelnen grossen Werken, wie z.B. die I.G., zur Anwerbung auslaendischer Arbeiter ergriffen worden waren, ein Ende zu machen.

Schon im September 1940 standen zahlreiche Auslaender und Kriegs-gefangene bei der I.G. in Zwan,arbeit. In Ludwigshafen z.B. waren von den 10 000 zusatzlichen Arbeitern, die waehrend des ersten Kriegsjahres eingestellt worden waren, 5000 Fremdarbeiter und Kriegs-gefangene. In Dornagen waren schon Sonderbestimmungen bezueglich der "Fuehrung" der polnischen Zivilarbeiter ausgegeben worden.

Acht Monate vor der Bemerkung Sauckels ueber die wilde Anwerbung war die Politik der I.G. von dem Angeklagten Schmitz, dem Vorsitzenden des Vorstands folgendermassen formuliert worden:

Die Fabriken muessen ihre Anstrengungen darauf richten, die benoetigten Arbeiter zu erhalten; durch Fremdarbeiter und Kriegsgefangene werden die Anforderungen im allgemeinen gedeckt werden koennen.

Und wiederum am 30. Mai 1942, drei Monate nach Sauckels Amtsantritt, sagte Schmitz:

Der Mangel an Arbeitern, speziell an gelernten Arbeitern, musste durch lange Arbeitszeit, die Verwendung von Frauen, Fremdarbeitern und Kriegsgefangenen wettgemacht werden.

Farbens Loesungswort war "Produktion um jeden Preis".

Schmitz's Befehl, dass die Werke sich bemuehen muessen, sich die benoetigten Fremdarbeiter zu beschaffen, wurde energisch durchgefuehrt. Vertreter der I.G. wurden in alle besetzten Laender geschickt, um Arbeiter zu beschaffen. Noch im Maerz 1943 erbat sich der Reichswirtschaftsminister schriftlich Vorschlaege von der I.G. Selbst bei diesem Sklavenhandel hielt die I.G. ihren traditionellen Ruf als Fuehrerin hoch.

Der Angeklagte Krauch war als Generalbevollmächtigter fuer Sonderfragen der Chemischen Erzeugung im Vierjahresplan die hoechste Autoritaet fuer die Entscheidung ueber Arbeiterzuweisungen fuer die chemische Industrie, einschliesslich Fremdarbeiter, F.Z. Arbeiter und Kriegsgefangenen. Krauch bereitete unter Mit-hilfe der anderen Angeklagten die Organisation und die Einzelhei-ten der Plaene der chemischen Industrie zur Kriegsmobilisierung vor. Diese Plaene umfassten Massregeln zur Beschaffung und Aus-beutung von Zwangsarbeitern aller Art.

Der I.G. Vorstand delegierte die Gesamtverantwortlichkeit fuer die Wohlfahrt ihrer Arbeiter in allen Werken dem Angeklagten Christian Schneider, als Chef der Werksfuhrer, mit der Befugnis Richtlinien zu erlassen. Bei der Formulierung richtungsgebender Beschluesse beriet sich Schneider mit den verschiedenen Werk-fuehrern und berichtete dem Vorstand. Es ist kein einziger Fall festgestellt worden, in welchem der Vorstand sich nicht mit Schneiders Empfehlungen einverstanden erklart haette.

In den Laendern Osteuropas bemuehte man sich den An-schein einer freiwilligen Werbung aufrecht zu erhalten, durch das Manoeuvrieren, eine zur Arbeit in Deutschland ausgesuchte Person einen Vertrag unterzeichnen zu lassen. Leute die sich weigerten zu unterschreiben, wurden gezwungen trotzdem nach Deutschland zu kommen, indem man ihnen zu verstehen gab, dass ihnen ihre Lebensmittelkarten entzogen, oder, dass sie zu Hause keine Arbeit bekommen wuerden, oder, dass, falls sie davonziefen, gegen Mit-glieder ihrer Familien Vergeltungs-massnahmen ergriffen wuerden. Diejenigen, welche kamen, waren, ob sie Vertraege unterzeich-neten oder nicht, tatsaechlich Sklaven in den Werken der I.G.. Sie konnten ihre Stellung nicht wechseln, auch konnten sie nicht heimkehren, wann sie wollten, sie hatten keine Bewegungsfreiheit und wenn sie fluechteten oder vom Urlaub nicht zurueckkehrten,

wurden sie durch die I.G. der Gestapo gemeldet, die sie aufspuerte und sie zu den I.G.Werken zurueckbrachte.

Ein vielfaeltiges Rundschreiben vom 9. August 1943 von Angeklagten Krauch (siehe oben), das an alle Konstruktions- und Baubueros der Werke gerichtet war, weist die Massnahmen zur Rueckfuehrung franzoesischer Arbeiter, die angeworben worden und gefluuechtet waren. Ein anderes Beispiel ist ein Brief des Stadtkommandanten von Paris an Dynamit-Nobel, in dem mitgeteilt wird, dass ein Arbeiter, der seinen Vertrag gebrochen hatte und nicht nach dem Werk zurueckgekehrt war, verhaftet und mit einem "Sondertransport" ans Arbeitsamt ueberstellt worden war. Dies sind Beispiele fuer die sogenannte "freiwillige" Einstellung der Arbeiter aus dem Westen.

Die I.G. war erbarmungslos, aber sie war erfolgreich. Im Jahre 1941 hatte sie schon 10 000 Sklavenarbeiter zugeteilt bekommen. Im Jahre 1942 stieg laut der I.G. Statistiken die Zahl auf 22 000, 1943 auf 58 000, 1944 auf 85 000 und bis zum Jahre 1945 war die Hunderttausendgrenze ueberschritten worden. Diese Zahlen stellen nur die Anzahl von Sklavenarbeitern in den I.G. Werken zu irgend einer gegebenen Zeit dar und spiegeln nicht den gewaltigen Umschlag wieder. Die ungluecklichen Opfer, welche durch Tod oder "Austausch" ihre Befreiung erlangten, sind in den obigen Zahlen nicht beruecksichtigt.

3. Die I.G. in Auschnitt

Obgleich die nationalsozialistischen Konzentrationslager schon seit einiger Zeit beruechtigt waren, wurde die zivilisierte Welt von neuem erschuettert, als es im Laufe des Jahres 1942 klar wurde, dass Hitler seine oft wiederholte Absicht, das juedische Volk Europas auszurotten, tatsaechlich ausfuehrte. Im Dezember 1942 wurde von den Vereinigten

Staaten und den europaischen Mitgliedern der Vereinten Nationen eine gemeinsame Erklarung abgegeben, die die Aufmerksamkeit auf dieses schwerste aller Verbrechen lenkte und es offentlich an den Pranger stellte. Im Maerz 1943 verurteilte ein gleichzeitiger Beschluss des Senats und des Abgeordnetenhauses des Kongresses der Vereinigten Staaten das Hinschlachten der Juden Europas und drohte die zu bestrafen, die unmittelbar oder mittelbar fuer diese verbrecherischen Handlungen verantwortlich waren.

Verschiedene internationale Konferenzen wurden abgehalten, um ueber Wege und Mittel zur Beendigung dieses Vordens zu entscheiden. Zwischenstaatliche Ausschuesse wurden gebildet, die gesetzliche Verfahren einleiten sollten und in den Vereinigten Staaten schuf der Praesident einen Sonderausschuss des Kabinetts, den Kriegsfluechtlingsausschuss, dem die Verantwortung oblag alle Massnahmen zu ergreifen, die sich mit einer erfolgreichen Fortfuehrung des Krieges vereinigen liessen, um die Opfer der nationalsozialistischen Unterdrueckung zu retten. Durch Kurzwellsendungen des Rundfunks, durch ueber Deutschland abgeworfene Flugschriften und durch viele andere Mittel wurde dem deutschen Volke die Entschlossenheit der zivilisierten Welt, alle Teilnehmer an diesen barbarischen Handlungen zu bestrafen, klargemacht.

Die furchtbare Geschichte von Auschwitz gelangte in allen Einzelheiten in den Besitz des Kriegsfluechtlingsausschusses der Vereinigten Staaten, einschliesslich des Hinweises auf das Bunkerwerk und die Birkenauer Gaskammern mit Angabe der Zahlen ueber die Grosse der juedischen Transporte und der Zahlen der in Auschwitz gestorbenen Haeftlinge und sie wurde im November 1944 veroeffentlicht. Dieses war selbstverstaendlich nicht das erste Mal, dass die Welt von Auschwitz hoerte. Was dort vor sich ging, war schon seit einiger Zeit bekannt. Aber dies

war das erste Mal, dass so viele Einzelheiten, besonders die Verwicklung von Industriefirmen mit dem Auschwitzprogramm, veröffentlicht wurden.

Das Hauptlager von Auschwitz (Auschwitz I) wurde gegen Ende des Jahres 1940 in einem Vorort von Oswiecim in Polen fuer 26 000 Personen erbaut. Lager II Auschwitz-Birkenau, erbaut im Jahre 1941, fasste 86 000. Es war in zwei Lager aufgeteilt, eines zur Unterbringung von 46 000 maennlichen Haeftlingen und eines fuer 40 000 Frauen. Das Lager III in Auschwitz, Monowitz genannt, welches zu einem spaeteren Zeitpunkt im einzelnen beschrieben werden wird, wurde auf dem Grundstueck der I.G. erbaut und fasste 10 000 Haeftlinge. So wurden die Konzentrationslager fuer die Unterbringung von 136 000 Konzentrationslagerhaeftlingen erbaut. Tatsaechlich wurden dort 500 000 untergebracht.

In der zweiten Haelfte des Jahres 1940 beschlossen die Angeklagten eine vierte Bunafabrik zu errichten und hielten es fuer angebracht, die neue Fabrik im Osten anzulegen. Es war ein ungeheures Projekt; zur Verwirklichung der Plaene bedurfte es einer Kapitalanlage von beinahe einer Viertelmilliarde Dollar, was sogar fuer die I.G. eine Menge Geld war.

Die Angeklagten Forster und Ambros kamen nach Ruecksprache mit dem Reichswirtschaftsministerium ueberein, die Plaene auszuarbeiten und im Jahre 1941 wurde dem Angeklagten Ambros, der beauftragt worden war in Polen nach einer geeigneten Oertlichkeit zu suchen, Auschwitz gezeigt. Im Februar 1941 beschrieb Ambros, Krauch und Forster ausfuehrlich das Ergebnis seiner Nachforschungen und schlug Auschwitz als den Ort fuer das Werk vor. Die Aufzeichnungen von der Versammlung erwaehnen:

Es wird in Erwaeigung gezogen, sich mit Reichsfuehrer SS Himmler in Verbindung zu setzen, bezueglich der Ansiedlung von deutschen Arbeitern in Auschwitz, sobald die Anfangsplanung fuer die Bunafabrik geklaert worden ist.

In seinem Bericht an Krauch und Ter Meer hatte Ambros besonders erwähnt, dass das geplante Werk an das Auschwitz Konzentrationslager angrenzen würde und hatte hervorgehoben, dass es vorteilhaft sein würde Lagerinsassen als Arbeiter zur Verfügung zu haben. Darauf wurde die Angelegenheit in einer Sitzung des technischen Ausschusses der I.G. vom 19. März 1941 behandelt, in der Ambros das Programm beschrieb. Am 25. April 1941 wurde das Auschwitzprojekt nach Berichten der Angeklagten Ter Meer, Ambros und Buettfisch vom Vorstand der I.G. gebilligt.

In der Zwischenzeit hatten Beamte der I.G. mit Goering und Himmler Verhandlungen ueber die Stellung von Arbeitern vom Auschwitz Konzentrationslager gefuehrt. Der Angeklagte Krauch verhandelte mit Goering und der Angeklagte Buettfisch mit der SS. Die Rolle von Buettfisch ist von besonderem Interesse; er war weder ein Spezialist noch ein Fachmann in Arbeiterfragen, aber er hatte den Rang eines Obersturmbannfuhrers in der SS und es war die SS, welche die zur Verfuugungstellung von Arbeitskraefte aus dem Auschwitz Lager unter sich haben sollte. Buettfisch war auch Mitglied einer kleinen Gruppe von Industriefuehrern und SS-Beamten, bekannt als "Freunde Himmlers" oder "Freundeskreis", durch welche eine Anzahl von Industriefuehrern mit der SS eng zusammenarbeitete, haeufig und regelmassig mit deren Leitern zusammentraf und der SS Hilfe, Rat und finanzielle Unterstuetzung gewaehrten. Die industriellen Mitglieder des Kreises wurden aus einer Anzahl der grossten deutschen Geschaeftsunternehmen gewaehlt, einschliesslich des Friedrich Flick Konzerns, der Vereinigten Stahlwerke, der Dresdner Bank und anderer. Diese Gruppe wurde durch Himmler geleitet und ihr gehoerte ausser anderen hohen Amtstraegern der SS Obergrouppenfuhrer Oswald Pohl an, der Chef des SS-Wirtschafts- und Verwaltungshauptamtes, welches die Konzentrationslager einschliesslich Auschwitz leitete und ueberwachte. B

In Jahre 1941 leistete die I.G. des "Himmlarkreises", dem Buete-fisch als aktives Mitglied angehörte, einen Beitrag von 100000 RM. und in der Folge wurden regelmässig jährliche Beiträge in dieser Höhe geleistet.

Das Ergebnis dieser Verhandlungen war ein Brief Hermann Goerings an Heinrich Himmler vom 18. Februar 1941, überschrieben "Massnahmen der Bevoölkerungspolitik fuer das Auschwitz-Bunawerk in Ostoberschlesien."

Zur Sicherstellung des Arbeiterbedarfs und der Unterbringung der Arbeiter fuer den Anfang April beginnenden, in hoechstmoeglichem Tempo durchgefuehrten Bau des Buna-Werkes, Auschwitz in Oberschlesien, bitte ich folgende Massnahmen zu treffen:

1. Rasche Aussiedlung der Juden in Auschwitz und weiterer Umgebung, insbesondere zwecks Freimachung ihrer Wohnungen fuer die Unterbringung der Bauarbeiterschaft fuer das Buna-Werk.
2. Vorlaeufige Belassung der als Bauarbeiter in Betracht kommenden Polen in Auschwitz und weiterer Umgebung in ihren bisherigen Wohnstaetten bis zur Beendigung der Bauarbeiten.
3. Bereitstellung einer moeglichst grossen Anzahl von Baufach- und Bauhilfsarbeitern fuer den Bau des Buna-Werkes aus dem benachbarten K.Z. Der Gesamt-Bau- und Montage-Arbeiterbedarf wird auf der Baustelle je nach erreichbarem Bautempo 8 000 - 12 000 Mann erreichen.

Ueber ihre diesbezuglichen, in Verbindung mit dem GB-Chemie zu treffenden Anordnungen bitte ich, mich baldmoeglichst zu unterrichten.

Das Wort "GB-Chemie" am Ende des Briefes ist die Bezeichnung fuer das Amt welches der Angeklagte Krauch inne hatte. In der Zwischenzeit entwickelten sich die Verhandlungen mit der SS wegen der Stellung von Arbeitern aus dem Lager mehr als zufriedenstellend. Der Angeklagte Dearfield, der Direktor und Chefkonstrukteur des Auschwitz Werkes, berichtete Ambros und anderen I.G. Angestellten gegen Ende Maers, dass er mit SS-Obergruppenfuehrer Karl Wolff, Himmlers persoenlichem Adjudanten, gesprochen haette, der eine erste Teillieferung von 700 Haef-tlingen versprochen hatte, sowie einen Austausch von Haef-tlingen

unter den verschiedenen SS-Konzentrationslagern, sodass die Facharbeiter nach Auschwitz uebergefuehrt wurden. Eine weitere Woche spaeter berichtete Duerrfeld ueber ausgedehnte Besprechungen mit dem SS-Lagerleiter von Auschwitz, dem beruechtigten Rudolf Hoess, der sich als "sehr hilfsbereit nach besten Kraeften" gezeigt hatte, und welcher 1 500 Arbeiter waehrend des Jahres 1941 und mehr als das Doppelte dieser Zahl fuer 1942 versprochen hatte.

Am 7. April fand in Kattowitz, einer grossen polnischen Industriestadt in der Nahe von Auschwitz, eine Versammlung statt und das Werk wurde formell "gegruendet". Die Angeklagten Ambros, Rustefisch und Duerrfeld waren anwesend; Ambros spielte den Zeremonienmeister und bemerkte: "Auf Grund eines Befehls vom Reichsfuehrer SS wird waehrend der Bauzeit von Konzentrationslager in Auschwitz weitgehende Unterstuetzung gewaehrt. Der Lagerleiter Sturmbannfuehrer Hoess hat schon mit den Vorbereitungen fuer den Einsatz seiner Arbeitskraefte begonnen". Ambros schickte dem Angeklagten Ter Meer verschiedene Aufzeichnungen ueber diese Versammlungen mit einem Brief, in dem er sagt:

Unsere neue Freundschaft mit der SS zeitigt erfreuliche Resultate. Bei Gelegenheit eines uns zu Ehren gegebenen Abendessens bei welchem der K.Z. Kommandant unser Gastgeber war, legten wir alle Massnahmen fest, bezueglich der Nutzbarsmachung der wirklich ausgezeichneten Organisation des K.Z. zu Gunsten der Buna-Fabrik.

Spaeterhin besuchte Himmler selbst das I.G. Werk in Auschwitz und gab Hoess einen Sonderbefehl, 10 000 Haeftlinge verfuegbar zu machen und der I.G. vor allen anderen industriellen Unternehmen in der Gegend den Vorrang zu geben. Der Bau des Werkes ging weiter, behindert durch das Fehlen von Unterbringungsmoeglichkeiten und sonstigen Anlagen in der Gegend und die niedrige Arbeitsleistung der hungernden und terrorisierten Lagerhaeftlinge. Die SS fuehrte sie wie eine Herde zum Werk und zurueck, und die I.G. bezahlte die SS fuer ihre "Dienste". Im Oktober 1941 berichtete Duerrfeld in einer Sitzung, an der die Angeklagten Ambros und Rustefisch teilnahmen, dass: "Unter den augenblicklichen

Vorhaeltnissen der Einsatz der Gefangenen nicht gesteigert werden kann. Die Einsparung des Werksgeländes ist in Angriff genommen worden und ihre Beendigung ist die Voraussetzung fuer einen gesteigerten Gefangeneinsatz..... Die Gefangenen kommen zu spaet am Bauplatz an und gehen zu frueh wieder heim. Bei Nebel verursacht ihre Bewachung Schwierigkeiten. Die Arbeitsleistung belaeufe sich auf Abfuhr von ungefaehr 2 Meter Erde pro Mann per Tag".

Das Gefuehl der I.G. fuer hoechste Leistung war schwer gekraenkt worden und sie beschloss, ihr eigenes Konzentrationslager dicht neben dem Werksgelaende zu errichten, um die Haeftlinge, die ihr fuer den Bau zugewiesen waren, dort unterzubringen. Die I.G. genehmigte durch den Technischen Ausschuss und den Vorstand annaehernd 5000 0'0 00' fuer die Errichtung des Konzentrationslagers Monowitz, das auf ihrem eigenen Fabrikgelaende erbaute eigene Konzentrationslager. Getreu der Konzentrationslagerueberlieferung war Monowitz von elektrisch geladenem Stacheldraht, Wachtuermen, SS-Leuten u.s.w. umgeben. Die Haeftlinge, die in dem Konzentrationslager Monowitz lebten, arbeiteten ausschliesslich fuer die I.G. bei der Errichtung und dem Betrieb des I.G. Werks Auschwitz. Die Einsparung der Zeit, die beim Transport der Haeftlinge zur und von der Arbeit verlorengegangen war, war eine gute Kapitalanlage.

Die Bedeutung dieser Ereignisse kann nach einem kurzen Blick auf das Auschwitzer Konzentrationslager selbst, waehrend dieses Zeitabschnittes, besser eingeschaezt werden. Auschwitz war nicht mehr laenger einfach ein weiteres Konzentrationslager, in dem die Opfer ausgehungert und misshandelt wurden. Es war eine ganz besondere Form von Lager geworden. Im Juni 1941, ungefaehr 2 Monate nach der "Gruendung" des I.G. Bunaerkes in Auschwitz, wies Himmler selbst den Lagerleiter Hoess an, mit der Ausrottung der in Auschwitz eingeworrenen Juden zu beginnen. Im August 1941 wurde die Anwendung des bekannten als

Zyklon B toodlichen Gases in einem Versuch an einer Gruppe russischer Offiziere in Auschwitz ausprobiert; das Verfahren erwies sich als hochst erfolgreich und Hoess ging daran, es auszuwerten. Dieser Entschluss machte Hoess beruehmt als den ungehuetlichsten Massenmoerder der Geschichte. Besondere Gaskammern wurden in Birkenau errichtet und eine Reihe von Krematorien wurde erbaut, um die Leichen zu beseitigen. Hoess selbst schaezte, dass mindestens 2 500 000 Auschwitzer Haeftlinge in den Gaskammern umgebracht und in den Krematorien verbrannt worden sind und, dass eine weitere halbe Million Haeftlinge durch Hunger oder Krankheit umgekommen sind. Er fuegte hinzu, dass diese Gesamtzahl von drei Millionen ungefaehr 70 oder 80 Prozent aller Personen darstellte, die nach Auschwitz kamen und, dass die uebrigen ausgesucht und als Sklavenarbeiter fuer die in der Naehue des Lagers gelegenen Industrien verwandt worden waren. Andere Schaeetzungen der Gesamtzahl der Todesfaelle in Auschwitz gehen bis zu 4 000 000 Personen; es ist klar, dass der Durchschnitt der Ausrottung waehrend der Jahre 1941 bis 1944 monatlich zwischen 75 000 und 100 000 Personen betrug.

Wir wollen den Gerichtshof im Augenblick weitere Einzelheiten ueber die Quaelereien und Morde ersparen, welche im Auschwitzer Lager vor sich gingen waehrend der Zeit, als das Banawerk der I.G. gebaut wurde. Der Angeklagte Duerrfeld war waehrend des gressten Teils dieser Zeit am Bauplatz, er machte seinen Vorgesetzten Ambros und Buettfisch regelmassig Meldungen und eine Anzahl der Angeklagten besuchten den Auschwitzer Bau bei vielen oder mehreren Gelegenheiten. Das, was im Lager vorging, war in Auschwitz und im Aerk allgemeines Gespraechsthema, es war jedem in der Nachbarschaft wohlbekannt und musste unausbleiblich jedem Menschen mit normalom Faehrnehmungsvermoegen, der den Ort besuchte, zur Kenntnis kommen. Abgesehen vom Ausrottungsprogramm war das Aoussere der Haeftlinge von unvorstellbarem

Grauen. Unter den Tausenden von Menschen, die nach Auschwitz gebracht worden waren, um als Bauarbeiter in der I.G. Anlage zu arbeiten, war eine Gruppe von ungefähr 1200 britischen Gefangenen, die in einem kleinen Kriegsgefangenenlager in der Nähe des Auschwitz-Werkes festgehalten wurden. Mehrere dieser britischen Soldaten werden dem Gerichtshof zu späterer Zeit berichten, was sie in Auschwitz gesehen und gehört haben, und aus ihrer Zeugenaussage und anderem Beweismaterial wird es klar hervorgehen, dass die Geschichte von Auschwitz, wie wir sie jetzt kennen, vielen, wenn nicht allen, dieser Angeklagten viel früher bekannt war und dass der Anblick und der Gestank von Auschwitz im I.G.-Werk leicht wahrnehmbar waren.

Als die Zehntausende von unglücklichen Juden aus Norwegen, Holland, Ungarn, Frankreich, Polen und Griechenland in Auschwitz zusammengetrieben wurden, wurden über 60% fuer arbeitsuntauglich erklart und wurden zur unmittelbaren Vergasung "ausgewählt". Von den restlichen 40% wurden die besten Arbeitskräfte der I.G. in Auschwitz zugeteilt. Trotz der sehr feeltigen "Auswahl" war die Lebensspanne eines zur I.G. in Auschwitz kommenden Haeftlings ungefähr drei Monate. Eine Gruppe Norweger, von denen jeder zwischen 160 und 190 Pfund wog, wurde der I.G. in Auschwitz im Jahre 1942 zugeteilt. Nach sechs Wochen waren nur noch 10% von dieser Gruppe am Leben, der Rest war an Erschoepfung gestorben, und die am Leben Gebliebenen wogen weniger als 90 Pfund. In zwei Monaten waren sie alle tot.

Haeftlinge, die nie irgendwelche harte koerperliche Arbeit getan hatten, mussten im Laufschrift Zentnerpaescke mit Zement tragen und wenn sie zusammenbrachen, wurden sie von den Kapos und den Vorarbeitern der I.G. geprügelt oder getreten. Wer nicht mehr aufstehen konnte, wurde liegen gelassen wo er hingefallen war, und erst am Abend nach Schluss der Tagesarbeit durften ihre Arbeitskameraden sie zurueck nach Monowitz tragen. Viele von ihnen wurden nicht mehr lebend zurueckge-
zurueck-
bracht; aber sogar die Leichen mussten zum Appell gebracht werden. Solche Todeskarawanen waren in der I.G. in Auschwitz eine taegliche Erscheinung.

Die Sterblichkeit war ausserst hoch. Auf Grund des Beweismaterials kann angenommen werden, dass Monowitz, das Konzentrationslager der I.G., und ihre Buna-Fabrik zusammen, gering geschätzt, 25 000 Personen in den Tod brachten. Die erschreckende Bedeutung dieser Zahl kann man nur vorstehen, wenn man weiss, dass der Einsatz von Häftlingen bei der ... niemals 10 000 überstieg und dass er sich im Durchschnitt zwischen 6 und 7000 bewegte. Mit anderen Worten: Die Sterblichkeit der I.G.-Häftlinge betrug über 100% pro Jahr.

Erschopfung, Unterernährung, Erfrierung durch Mangel an Kleidung während der Arbeit im Freien und Prügel waren die hauptsächlichsten Todesursachen. Es gab natürlich auch andere zusätzliche Ursachen. Es gab z.B. in Monowitz im Jahre 1942 nur drei Krankenstationen mit ungefähr 300 Betten - manchmal mit 2 und 3 Patienten in einem Bett. Die Verhältnisse waren so schlecht, dass die SS anregte, zusätzliche Krankenstationen zu bauen. Die SS aber hatte nicht das Problem der I.G., das Maximum an Arbeit mit dem Minimum an Kosten zu erzielen, und die I.G. lehnte das Ersuchen ab mit der Begründung, dass die I.G. Auschwitz in Monowitz keinen Platz für kranke, sondern nur für gesunde und arbeitsfähige Häftlinge habe. Später wurden zwei weitere Krankenstationen eingerichtet, wie waren aber vollkommen unzureichend, da damals schon 10 000 Häftlinge in Monowitz waren. Infolge der I.G. Politik wurden die Krankenstationen in Monowitz nur dazu verwandt, solche Häftlinge zu behandeln, die kuriert und sehr schnell wieder arbeitsfähig gemacht werden konnten.

Es gab da eine Anzahl interessanter Regeln wie z.B. die "Fünf-Prozent"-Regel. Nicht mehr als 5% sämtlicher Häftlinge durften zu gleicher Zeit krank sein. Wenn dieser Prozentsatz überschritten wurde, pflagten "Auswahlen" zur Ausscheidung des Überschusses stattzufinden. Der Überschuss wurde zum Vergasen nach Birkenau geschickt. Eine weitere Regel war die "Vierzehn-Tage"-Regel. Die Häftlinge wurden nur dann im Lazarett aufgenommen, wenn man glaubte, dass sie innerhalb vierzehn Tage kuriert und wieder an die Arbeit geschickt werden konnten.

So wurden diejenigen, die erschöpft oder sonstwie wegen offener Wunden, Knochenbrüchen oder anderer langsam heilender Krankheiten arbeitsunfähig waren, zum Vergasen "ausgewählt". Die "Ausgewählten" wurden auf einen Lastwagen geworfen und auf ihrem Weg zur Ausrottung in Birkenau durch die I.G.-Fabrik in Auschwitz gefahren. Die bei der I.G. Auschwitz arbeitenden Häftlinge arbeiteten unter der ständigen, von den Vorarbeitern der I.G. und den Kapos oft wiederholten Drohung, sie würden, wenn sie nicht schwer und gut genug arbeiteten, vergast werden.

Ausser den Kapos und Vorarbeitern und den Wachmannschaften der SS besass die I.G. im Lager noch ihr eigenes Spionagesystem fuer diejenigen Häftlinge, die nicht alle Regeln einhielten. Wer die Regeln verletzte, z.B. beim Rauchen erwischt wurde oder seine Hand wachrend der Arbeitsstunden warnte, wurde der SS zur geeigneten Bestrafung gemeldet. Diese Bestrafung bestand oft aus Pruegeln bis zu 25 Doppelschlaegen. Die volle Strafe wurde selten vollzogen, da in den meisten Faellen das Opfer vor dem Ende der 25 Schlaege zusammenbrach. Die Leitung der I.G. erhielt Berichte mit Angabe der Anzahl der im Lager arbeitenden Häftlinge, der nach dem Konzentrationslager Auschwitz transportierten Häftlinge, der in den Krankenstationen in Monowitz befindlichen Häftlinge und der taeglich zu speisenden Häftlinge.

Ein Lazarettbuch bei den SS-Akten im Monowitzer Konzentrationslager enthaelt eine Aufstellung ueber die Monowitzer Häftlinge, die waehrend des Jahres 1943 durch das I.G.-Lazarett in Monowitz hindurchgingen. Diesen Aufstellungen zufolge fanden 15 000 Häftlinge des Monowitzer Konzentrationslagers im I.G. Lazarett waehrend dieses Jahres Aufnahme. Das Buch enthaelt die Namen jedes Häftlings, das Datum seiner Einlieferung und das Datum seines Abganges - tot oder lebendig. Die im Lazarett Gestorbenen sind in der Rubrik "Bemerkungen" durch ein Kreuz gekennzeichnet. 750 Patienten starben in elf Monaten im Jahre 1943. Die von dem Hospital nach Auschwitz oder Birkenau geschickten sind durch die Worte "nach Auschwitz" und "nach Birkenau"

gekennzeichnet. Das bedeutet praktisch in jedem Falle den Tod durch Ausrottung. "Nach Auschwitz" bedeutete die Verschickung der Betroffenen ins Auschwitzer Hauptlager, weil sie zur Arbeit in der Buna-Fabrik untauglich waren, und es war bekannt, dass solche nach Auschwitz zurückschickten Häftlinge zur gegebenen Zeit in die Gaskammern gebracht werden würden. "Nach Birkenau" bedeutete, dass die Häftlinge sofort in die Gaskammern geschickt wurden. Über 2.000 Häftlinge wurden vom Lazarett zur Ausrottung geschickt.

Die wahre Bedeutung der angegebenen Zahlen kann man nur völlig erfassen, wenn man bedenkt, dass nur die gesündesten und stärksten aus den Millionen, die durch Auschwitz hindurchgingen, in Monowitz aufgenommen wurden und dass die "Auswahl" zur Ausrottung in den allermeisten Fällen nicht im Lazarett sondern an den Fabriktoren und in den Baracken getroffen wurde. Durch diese letzteren Auswahlen wurden die ausgesiebt, die nicht mehr arbeitsfähig waren, sodass nur diejenigen, die ausgezeichnete Aussicht hatten wieder gesund zu werden, überhaupt im Lazarett aufgenommen werden durften.

Dieselbe allgemeine Haltung wurde von der I.G. auch gegenüber ihren eigenen ausländischen Sklavenarbeitern eingenommen. In dem Protokoll der Versammlung von Beamten der I.G. Auschwitz wird die Arbeiterfrage folgendermaßen beschrieben: "Die zugewiesenen Kroaten scheinen anzugehen.... Polnische Zwangsarbeiter wurden nur ein paar Tage pro Woche eingesetzt, Urteil deshalb nicht möglich Die ukrainischen Frauen fuer Erdbewegungen sehr geeignet" Die Stellungnahme der I.G. zum Krankheitsproblem bei ihren Arbeitern zeigt ihre fundamentale Einstellung gegenüber den Arbeitern als blosse Werkzeuge. Selbst im Falle britischer Kriegsgefangener - die weit besser als alle anderen behandelt wurden - war die Haltung der I.G. willkürlich und hart. Die I.G. setzte fest, dass nur drei Prozent der Gesamtstärke krank sein durften. Die Aerzte der I.G. besuchten regelmässig das britische Kriegsgefangenenlager, um die von dem britischen Lagerarzt getroffenen Entscheidungen ueber die Arbeitsfähigkeit nach-

supruefen. In oberflaechlichen Untersuchungen, die im Durchschnitt weniger als 30 Sekunden pro Mann dauerten, pflegten sie zu entscheiden, dass die vom britischen Arzt bereits fuer arbeitsunfaehig erklaeerten Leute in der Tat arbeitsfaehig seien. Zur Erzaewigung ihres Befehls, zu arbeiten, pflegte die I.G. Wehrmacht Kommandos ins britische Lager zu bringen, diejenigen, die der I.G. Doktor fuer arbeitsfaehig erklaeert hatte, antreten zu lassen, einschliesslich vieler, die noch bettlaegerig waren, und sie unter bewaffneter Bewachung zur Arbeit abzufuehren.

Wir halten eine weitere Schilderung zu diesem Zeitpunkt fuer unnuetig und jeden Versuch zur Zuspaezuehung fuer ueberfluessig. Die Tatsachen werden nur zu offensichtlich. Zum Schluss brauchen wir den Gerichtshof nur daran zu erinnern, dass im Juli 1943, als diese Dinge schon ueber zwei Jahre vor sich gegangen waren, der Angeklaegte Krauch auf Himmlers Andeutung, die SS koennte "den Ausbau einer zweiten synthetischen Fabrik.....in aeehnlicher Weise wie in Auschwitz durch Zurverfuuegungstellung von Haeftlingen" aus Himmlers Lagern foerdern, sofort zuschnappte. Die fuer Himmlers Foerderung und Unterstuetzung so "Dankbaren" koennen von Glueck reden, dass sie vor einem Gerichtshof gestellt werden; ihr "Foerderer" pflegte andere Methoden anzuwenden.

C. Verbrecherische ärztliche Experimente.

Auf dem Gebiet der wissenschaftlichen Forschung zeigte der Wunsch der I.G. nach der Herrschaft und Fuehrung die gleiche Missachtung menschlichen Lebens und menschlicher Werte wie auf anderen Gebieten. Beim Beginne des zweiten Weltkrieges erkannte die I.G. die grosse Chance, die Verwendung chemischer Produkte bei der Behandlung von Krankheiten zu erweitern. Die Massen russischer Kriegsgefangener und zahllose Häftlinge in den national-sozialistischen Konzentrationslagern standen als menschliche Versuchsubjekte fuer Versuche mit den verschiedenen Chemikalien der I.G. zur verfuegung. Es war fuer die I.G. von keiner besonderen Bedeutung, dass viele ihrer Drogen bisher noch nicht ausprobiert worden waren und dass andere ueber Versuche in Laboratorien noch nicht hinausgekommen waren. Der Vorrat an Opfern war unerschöpflich.

Auf dem Gebiet der Pharmazentika hatte der Angeklagte Heerlein die Gesamtaufsicht und Kontrolle und auch die endgueltige Verantwortung. Die Arbeiten der sich mit pharmazeutischen Produkten befassenden Werke unterstanden seiner Leitung, und Heerlein war es, der dem Vorstand Bericht erstattete. Abgesehen davon war Heerlein die direkte Verantwortung fuer die pharmazeutische Abteilung der I.G. in Leverkusen anvertraut. Die Herstellung pharmazeutischer Produkte fiel in den Bereich der Sparte II, die von Ter Meer geleitet wurde, und viele der Drogen-Fabriken waren der von Lautenschlager geleiteten Betriebsgemeinschaft Mainau angeschlossen.

Als die SS und die Wehrmacht sich im Dezember 1941 entschlossen, eine Reihe von Fleckfieber-Experimenten durchzufuehren, um Fleckfieber-Erfstoffe zu entwickeln, war die I.G. auf der Konferenz durch Prof. Demnitz, den Untergebenen des Angeklagten Lautenschlager im Marburger Werk der I.G., vertreten. Vor dieser Konferenz, die die ganze Reihe der nunmehr beruechtigten Buchenwalder Experimente einleitete, hatte sich

die I.G. schon mit Versuchen an Konzentrations-Häftlingen und russischen Kriegsgefangenen befasst, Im August 1941 schrieb Dr. Vetter, ein Mitglied der SS, der im Jahre 1938 in Leverkusen eintrat, und im Jahre 1941 zur aktiven Dienstleistung zur SS ging, in einem an seinen "Chef" in Leverkusen adressierten Brief, dass er jetzt "in einem der grössten und am besten ausgerüsteten Konzentrationslager sich befinde." Er führte ferner aus, "wie Sie sich vorstellen können, habe ich reichliche Gelegenheit, mit unserem Präparat zu experimentieren." In der Antwort der I.G. aus Leverkusen, die von Dr. Mortons, dem unmittelbaren Untergebenen des Angeklagten Heerlein, unterzeichnet war, hiess es: "Wir lassen Ihnen grosse Mengen der verlangten Präparate zugehen..... Alles, was Sie in der Zukunft benötigen sollten, wird Ihnen von der Verkaufsorganisation Bayer in München geliefert werden. Falls sie nicht die verlangten Quantitäten liefern können, werden wir es direkt tun." Spätere Korrespondenz zwischen Dr. Vetter und Dr. Mortons zeigt, dass Vetter die verlangten Experimente mit Eifer durchführte und die Resultate regelmässig nach Leverkusen meldete.

Für den Augenblick wollen wir uns auf Schilderungen aus dem Gebiet der Fleckfieber-Experimente im Buchenwälder Konzentrationslager beschränken. Nach dem Einfall in Russland im Jahre 1941 wurde das Fleckfieber zu einer ernsten Gefahr für die Wehrmacht. Der Gebrauch von Fleckfieber-Impfstoffen war eine der hauptsächlichsten Methoden zur Begegnung der Gefahr. Bandlerer, der Chef des Heeres-Sanitätswesens und später Chef des Sanitätswesens der Wehrmacht, schrieb im November 1941 an Conti, den Staatssekretär für das Gesundheitswesen, und schlug vor, die Erzeugung von Fleckfieber-Impfstoffen in die Hände der grossen pharmazeutischen Industrie-Firmen zu legen. Die I.G. war bereit, diesen Ruf durch die Erzeugung von Impfstoffen und therapeutischen Medikamenten zu beantworten. In ihren

Bering-Werken in Marburg produzierte die I.G. schon den sogenannten Cox-Haagen-Gildemeister Flockfieber-Impfstoff, der aus Eidottern hergestellt wurde. Die Schutzwirkung dieses Impfstoffes wurde jedoch als noch nicht genügend erprobt erachtet, und es wurde deshalb fuer notwendig angesehen, vor der Erhoehung der Produktion seine Wirksamkeit festzustellen. Am 29. Dezember 1941 wurde im Zusammenhang mit diesem Problem eine Konferenz abgehalten, an der Handloser, Conti und Mrugowsky vom Hygiene-Institut der Waffen-SS teilnahmen. Auf dieser Konferenz wurde beschlossen, den Flockfieber-Impfstoff aus Eidottern an lebenden Menschen auszuprobieren, um seine Wirksamkeit festzustellen. Am gleichen Tage fand eine andere Konferenz statt, die dasselbe Problem behandelte. Dieser Konferenz wohnten Beamte des Reichsinnenministeriums und der Heeres-Sanitäts-Inspektion bei, daneben auch Zahn und Neumann, ausserdem Dr. Demnitz von den Bering-Werken der I.G. Das Protokoll dieser Konferenz besagt:

Der Impfstoff, der gewoehnlich aus Hühnerereiern erzeugt wird, soll in einem Experiment auf seine Wirksamkeit geprüft werden. Hierzu wird Dr. Demnitz sich mit Obersturmbannführer Dr. Mrugowsky in Verbindung setzen.

Wenn sich dieser Impfstoff der Bering-Werke als wirksam erweist, soll die Produktionsfähigkeit der Bering-Werke in Marburg beträchtlich vergrössert werden.

Als Folge dieser Konferenz wurde die mörderische Flockfieber-Station im Buchenwälder Konzentrationslager eingerichtet unter der Leitung Mrugowskys vom Hygieneinstitut der Waffen-SS und seines Untergebenen Dr. Ding, der die Versuche dort tatsaechlich ausfuhrte. Am 6. Januar 1942 begannen die Experimente mit der Impfung von 135 Konzentrationslager-Häftlingen mit vier verschiedenen Impfstoffen, von denen zwei von den Bering-Werken der I.G. hergestellt wurden. Anfang Maerz 1942 wurden alle diese Personen, zuzueglich weiterer 10 Häftlinge, die vorher nicht durch Impfung geschuetzt worden waren, kuenstlich mit einem virulenten Flockfieber-Virus infiziert. Die Versuchsreihe wurde im April 1942 mit 5 Todesfaellen, von

denen sich zwei in der mit dem Rering-Impfstoff geimpften Gruppe befanden, abgeschlossen. Ein Bericht ueber diese Versuchsreihen wurde uia. an Dr. Demnitz bei den Rering-Werken in Marburg geschickt.

Die I.G. benutzte weiterhin die in Buchenwald vorhandenen Anlagen fuer weitere verbrecherische Experimente zur Pruefung anderer Drogen. Im September 1942 draengten die Angeklagten Heerlein und Lautenschlager Krugowsky, die therapeutische Wirkung des Praeparates 3582 "Akridin" und Menthalyne Blau auf Fleckfieber zu pruefen. Im Januar 1943 wurden 47 Haeftlinge kuoenstlich infiziert, von denen 40 nach Ausbruch der Krankheit mit Akridin und Menthalyne Blau behandelt und sieben als Kontrollpersonen ohne Behandlung benutzt werden sollten. Dies Experiment wurde als Fehlschlag betrachtet, weil der zur kuoenstlichen Infektion benutzte Virus seine Staerke eingebuesst hatte und unter den Versuchspersonen kein typisches Fleckfieber hervorrief. Trotzdem starb eine der Versuchspersonen.

Um die von der I.G. gewuenschten Versuche durchzufuehren, wendete Ding eine sichere Methode der kuoenstlichen Infektion an, naemlich die intravenoese Infektion frischen fleckfieberversuchten Blutes. Diese Infizierungs-Methode war neuerst erfolgreich, und im April 1943 wurden nochmals Experimente mit Akridin und Rutonal vorgenommen, die von der I.G. zur Verfuegung gestellt worden waren. Von 39 als Versuchspersonen benutzten Haeftlingen starben 21. Es ist bezeichnend festzustellen, dass vor der schliesslichen Durchfuehrung dieses Experimentes Dr. Ding mit den Angeklagten Lautenschlager und Dr. Weber und Fussgaenger bei der I.G. in Hoechst konferierte. Die I. G. in Hoechst erhielt einen ausfuehrlichen Bericht ueber diese Versuche.

Die I.G. war nicht nur vollkommen ueber das unterrichtet, was in Buchenwald vor sich ging, sondern jede Abteilung der I.G., die irgendwelches Interesse daran hatte, wurde von den

Arbeiten und den Erfahrungen anderer Institutionen der I.G. unterrichtet. Die enge Zusammenarbeit und das Zusammenfließen der Informationen in den riesigen I.G.-Konzern zeigt sich nirgendwo mit grösserer Klarheit als auf dem pharmazeutischen Gebiet. Was die der I.G. in Höchst vor sich ging, wurde sofort der I.G. in Elberfeld, der I.G. in Marburg und der I.G. in Leverkusen mitgeteilt; in ähnlicher Weise machten die Erfahrungen der I.G. in Leverkusen durch Briefe und innerbetriebliche Memoranden die Kunde im übrigen Reiche der I.G.

Die Anklagebehörde wird über jeden Zweifel erhaben nachweisen, dass die verantwortlichen Beamten der I.G., speziell die Angeklagten Beerlein und Lautenschlager, die die direkte Leitung der pharmazeutischen Abteilung der I.G. hatten, fortdauernd die Erprobung von I.G.-Präparaten an den hilflosen Opfern der Konzentrationslager förderten und ermutigten, obgleich sie sich völlig der Umstände, unter welchen diese Experimente vorgenommen wurden, bewusst waren.

Der Anklagebehörde ist die Tatsache bekannt, dass es erlaubt ist, an lebenden Menschen unter Umständen, die weder ungesetzlich noch unmoralisch sind, zu experimentieren, aber die eine grundsätzliche Anforderung, ohne die alle solche Experimente nicht nur ungesetzlich, sondern vollständig unrechtmässig und unentschuldigbar werden, ist die Anforderung, dass eine Einwilligung der Personen, an welchen die Experimente vorgenommen werden, vorliegt. Dieses Prinzip ist im Urteil des Militärgerichtshofes I im kürzlich beendigten Aerzterprozess in diesem Gerichtssaale klar ausgesprochen worden. Die Anklagebehörde wird in diesem Falle zeigen, dass den bei den Experimenten benutzten Häftlingen keine irgendwie geartete Wahl gelassen wurde. Die I.G. beteiligte sich an den Experimenten in Buchenwald und anderen Konzentrationslagern, obgleich ihre Beamten sehr wohl wussten, dass die unglückseligen Opfer sich zu den mörderischen Experimenten, denen sie unterzogen wurden, nicht freiwillig gemeldet hatten.

SCHLUSS.

Wir beschliessen die Schilderung des Beweismaterials, das die Anklagebehörde unter den verschiedenen Punkten der Anklageschrift vorlegen wird. Abschliessend moechte ich nur noch einige Worte sagen. Jeder dieser Angeklagten wird wegen seiner persönlichen Teilnahme an diesen Verbrechen der Verantwortlichkeit im strafrechtlichen Sinne fuer die in dieser Anklageschrift zur Last gelegten Verbrechen beschuldigt. Wenn irgendeiner der Angeklagten schuldig befunden wird, muss er es, weil in den Worten des von Militärgerichtshofes I am 19. August 1947 verkündeten Urteils: "Das Beweismaterial in einer jeden begründeten Zweifel ausschliessenden Weise gezeigt hat, dass diese Angeklagte, ohne Rücksicht auf Staatsangehörigkeit oder die Eigenschaft, in der er handelte, sich als Tater, Teilnehmer, Instifter, Verschärfte istender beteiligt hat, seine Zustimmung gegeben oder mit Plänen oder Unternehmungen in Zusammenhang gestanden hat, die die Begabung (der Verbrechen).... zum Gegenstand hatten, die den Gegenstand dieser Anklagepunkte bilden. Er darf unter keinen andern Umständen verurteilt werden."

Die Angeklagten waren alle verantwortliche Beamte der I.G. in hohen Stellungen. Aber die Korporation als solche, die Rechtsperson I.G.-Farben, hat keine Verbrechen begangen. Sie wurde nur als Instrument benutzt von den Männern, die sie fuhren und leiteten. Wenn wir feststellen, wer die Männer waren, von denen diese Fuehrung und Leitung ausging, kommen wir unweigerlich zu den Mitgliedern des Vorstandes und zu den anderen leitenden Beamten der Korporation.

Als wir das Beweismaterial heute schilderten, haben wir wiederholt die Aufmerksamkeit des Gerichtshofes auf Dokumente oder anderes vorzuliegendes Beweismaterial gelenkt, auf Grund dessen die Beteiligung gewisser Angeklagter an dem Ge-

samtkomplex der verbrecherischen Handlungen festgestellt werden kann. Im Verlaufe der Verhandlungen werden diese und andere Dokumente dem Gerichtshof eine ausreichende Grundlage liefern, um den Umfang der unmittelbaren Tätigkeit jedes Angeklagten festzustellen und die hauptsächlichen Gebiete, auf dem jeder von ihnen die Initiative ergriff, und die unmittelbare Leitung hatte.

Aber außer die Verantwortlichkeit jedes Angeklagten innerhalb seines eigenen hauptsächlichen Tätigkeitsgebietes hinaus ist die Gesamtverantwortlichkeit der 30 Angeklagten, die Mitglieder des Vorstandes waren, unausweichlich. Zweifellos wird der Gerichtshof eine weitere Erörterung dieses Punktes nach Schluss der Beweisaufnahme wünschen, und, nachdem die Dokumente, aus denen die Verantwortlichkeit des Vorstandes hervorgeht, und welche Handlungen von ihm vorgenommen worden sind, zu den Akten genommen worden sind. Im Augenblick versuchen wir nur, den Gerichtshof daran zu erinnern, dass sie Mitglieder ^{des Vorstands die Mitglieder} des tatsächlichen leitenden Ausschusses waren, der Stelle, der die Verantwortung fuer die Festlegung der Politik und die Fuehrung des Konzerns obliegt und der Stelle, die in der Tat die Politik festlegte, und in der Tat den Konzern fuehrte. Der Vorstand setzte sich aus Einzelpersonen zusammen, die sahen, hoernten, planten und handelten. Wenn auch einzelnen Mitgliedern im Zuge des Verwaltungsbetriebes weitgehende Machtbefugnisse in bestimmten Gebieten uebertragen wurden, so waren sie doch durch die Satzungen verpflichtet, alle wichtigen Angelegenheiten innerhalb ihrer eigenen Sachgebiete dem Gesamtvorstand zur Entscheidung vorzulegen. Aus dem Beweismaterial geht einwandfrei hervor, dass diese Uebung selbstverstaendlich befolgt wurde. Und obwohl das einzelne Vorstandsmitglied befugt war, in einem gewissen Rahmen von seinem Ermessen Gebrauch zu machen und auf seine eigene Verantwortung zu handeln, wo Dringlichkeitsgruende

dies erforderlich machten, so war dieses Mitglied trotzdem verpflichtet, bei der nächsten Sitzung des Gesamtverbandes die Angelegenheit vorzutragen, in der er selbständig gehandelt hatte.

Bestimmt hatte nicht jedes einzelne Verbandsmitglied oder tatsächlich sogar keines volle Kenntnis von allen den vielen Einzelheiten, die bei der Durchführung aller Angelegenheiten der allgemeinen Politik der I.G. auftraten. Das Betätigungsfeld war viel zu umfangreich. Aber die Angelegenheiten, die wir als die H. auftraten in diesem Satz von Verbrechen hervorgehoben haben, waren den Angeklagten des Vorstandes bekannt, Entweder infolge ihrer Beteiligung an der Festlegung der Politik, an der Planung, der Vornahme von Handlungen oder weil sie ihre Genehmigung gaben, oder ihre Billigung, nachdem sie von den Handlungen anderer Verbandsmitglieder oder anderer I.G.-Beamter erfuhren.

Überdies, selbst wenn ein Angeklagter tatsächliche Unkenntnis gewisser Einzelheiten vorbringen sollte, kann kein Zweifel daran bestehen, dass es ihm möglich gewesen wäre, sie aufzufindig zu machen, wenn er mit den Worten des Militärgerichtshofes I "die geringste Untersuchung" angestellt hätte. Jeder der Angeklagten, mit der möglichen Ausnahme der vier, die nicht Verbandsmitglieder waren, waren in einer solchen Lage, dass sie entweder wussten, was die I.G. in Leuna, Bitterfeld, Berlin, Auschwitz oder anderswo tat, oder, wenn er nicht tatsächlich Kenntnis von einer speziellen Tätigkeit hatte, wiederum mit den Worten des Militärgerichtshofes I "er in Ansehung seiner Stellung die Pflicht hatte, eine angemessene Untersuchung anzustellen." Man kann nicht die Verrechte der Autorität in Anspruch nehmen, ohne die Verantwortlichkeit auf sich zu nehmen.

Die vier Angeklagten, die nicht Mitglieder des Vorstandes waren, werden in der Anklageschrift aufgeführt, weil sie eine besonders entscheidende Rolle bei den in der Ankla-

geschrift zur Last gelegten Verbrechen spielten. Der Angeklagte Duerrfeld als Direktor und Bauleiter des Auschwitz-Torkes ist in die Verwendung und den Missbrauch von Zwangsarbeitern stark verwickelt, in Plünderungstätigkeit in Polen und schliesslich in die Föhrung eines Angriffskrieges. Der Angeklagte Gattineau war unter anderem die Mittelsperson, durch die andere I.G.-Angestellte mit bedeutenden Reichs- und Parteiföhrern in zweckmässige Verbindung gebracht wurden, um die Ausföhrung des verbrecherischen Programms zu erleichtern. Sechs kritische Jahre hindurch leitete er die Wirtschaftspolitische Abteilung der I.G., deren amtliche Aufgabe es war, die Verbindung mit dem Reich und Parteistellen aufrecht zu erhalten, und die eine bedeutende Rolle in den Vorbereitungen der I.G. fuer einen Angriffskrieg spielte. Nach 1938 nahm er als Direktor einer der grössten Sprengstoffwerke der I.G. im besetzten Gebiet an der Beschaffung und dem Missbrauch von Zwangsarbeitern und an der Plünderungstätigkeit teil. Der Angeklagte von der Herde ist, abgesehen von seiner Mitgliedschaft in der SS, einer vom Internationalen Militärgerichtshof als verbrecherisch bezeichneten Organisation, im allgemeinen in dieselben Handlungen wie Gattineau verwickelt. Der Angeklagte Rugler war einer der geschicktesten Vertreter der I.G. bei der Planung und Durchföhrung der Ausraubung in zahlreichen besetzten Gebieten und spielte so eine Hauptrolle in der Föhrung des Angriffskrieges und in der ungesetzlichen Plünderung der besetzten Gebiete. Die Teilnahme dieser vier Angeklagten an den in der Anklageschrift geschilderten Handlungen ist so unmittelbar, dass es keiner weiteren Ausföhrungen bedarf.

Ich habe die Verantwortlichkeit der Angeklagten als Beamte der I.G. betont, weil der grösste Teil der in der Anklageschrift zur Last gelegten Verbrechen von den Angeklagten in Ausübung ihrer Funktionen als I.G. Beamte, verübt wurde.

do. Aber die Angeklagten werden nicht nur als Beamte der I.G. beschuldigt, und sie sind fuer ihre Handlungen verantwortlich in welcher Eigenschaft auch immer sie solch eine Handlung ausgefuehrt haben moegen. Die meisten der Angeklagten hatten hohe verantwortliche Regierungsstellen oder eine Art von Regierungsposten inne. Das beste Beispiel, aber keineswegs das einzige, ist der Angeklagte Krauch. Krauch war mindestens schon im Jahre 1936 ein hoher bedeutender Reichsbeamter und nach 1938, als er einer von Goerings Hauptstellvertretern wurde, uebernahm er als Regierungsbeamter die Hauptverantwortung, die chemische Industrie zur Vorbereitung fuer Einfaele und Angriffskriege zusammenzufressen. Krauchs Verantwortung fuer seine Handlungen als Regierungsbeamter ist unabhängig und nicht herableiten von seiner Verantwortung als Mitglied des Verstandes und spaeater des Aufsichtsrates der I.G.

In der Tat, die Doppelstellung der Angeklagten als Leiter eines ungeheuer maechtigen Privatunternehmens und als Beamte des Dritten Reiches unterstreicht eine Frage, welche beim Betrachten dieses Falles als Ganzes einem unvermeidlich in den Sinn kommt. Wo lag die Loyalitaet dieser Maenner und welches Ideal erkannten sie an, wenn sie ueberhaupt eines anerkannten?

Einiges Licht wird auf diese Frage durch eine interessante Reihe von Sitzungen geworfen, die in den Jahren 1944 und 1945 stattfanden, in deren Verlauf die Angeklagten bestrebt waren, Plaene "fuer den Fall, dass der Krieg verloren war" zu formulieren, um "der Beschlaagnahme der verfuegbaren Guthaben der I.G. zu entgehen" und "die Verkaufsgesellschaften im Auslande weiterarbeiten zu lassen waehrend der Zeit in der die Verbindung mit ihnen wahrscheinlich unterbrochen sein wuerde". Der Angeklagte Ilgnor schlug einen Plan vor zum "Verkauf" von allen wichtigen Patenten der I.G. in Deutschland an Scheingesellschaften in einem der

neutralen Laender, um die Beschlagnahme der Patente durch alliierte Behoerden, falls Deutschland besetzt wurde, zu verhindern. Gleichzeitig beschaeftigte sich der Angeklagte von Schnitzler mit der moeglichen Beschlagnahme der Warenverraete der verschiedenen Verkaufsgesellschaften der I.G. in ganz Europa. Er machte sich Sorgen, dass sie aus Mangel an Ware gezwungen sein koennten zu schliessen, denn, falls Deutschland den Krieg verlieren wurde, wuerden die Verbindungen unterbrochen sein, und die I.G. wuerde wenigstens eine zeitlang nicht imstande sein, irgendwelche Waren ans Ausland zu liefern.

Man kann von diesen Angeklagten gewiss nicht sagen, dass sie keinen Blick fuer die Zukunft besaessen, aber man kann sich des Eindrucks nicht erwehren, dass ihr Gesichtsfeld ausserordentlich eng ist. Im Jahre 1945, nach Deutschlands Niederlage, ausserte der Angeklagte von Schnitzler, er sei sicher, dass die chemische Industrie Frankreichs nur zu bereit sein wuerde, ihr Kartellverhaeltnis zur I.G. wieder aufzunehmen und, augenscheinlich ermutigt durch das gezeigte Erstaunen, welches diese Bemerkung hervorrief, und das er fuer ein Anzeichen eines wirklichen Interesses fuer die Idee hielt, erbot er sich sofort freiwillig zur ausfuhrlichen Ausarbeitung der "Vorschlaege, die der augenblicklichen Lage angepasst waren." Und ungefaehr um dieselbe Zeit erklaerte der Angeklagte Ilgner in einem Brief an seine fruheren Genossen:

Auf jeden Fall sollten wir sofort Verkoehrungen treffen, damit der gesamte Betrieb sofort wieder anlaufen kann, sobald die amerikanischen Behoerden entschieden haben, wie und in welchem Umfange die I.G. in Zukunft betrieben werden soll.

Es ist in der Tat eine sonderbare Brille, durch die die Angeklagten die Welt betrachten. Man koennte staunen ueber eine solche sublimen Gefuehllosigkeit, ginge sie nicht Hand in Hand mit solch berechnetem Zweck, solch glanzender Befaehtigung und ruecksichtsloser Verachtung fuer die

Welt und ihre Gesetze. Ein kleines bisschen Macht, und sie sind rettungslos verloren. Die schöpferischen Gaben, mit denen sie ausgestattet waren, wurden ins Tiernatuerliche verkehrt und ihre Wissenschaft wurde zu einer verderben bringenden Alchemie. Es steckt in diesen Männern keine Loyalität, weder gegenüber der Wissenschaft noch gegenüber irgendeinem feststellbaren Ideal, und es kann Deutschland nur zum Vorteil gereichen, wenn ihre Handlungen am Masstab von Recht und Wahrheit gemessen werden.

- Ende -

Ich, Fred Lax X 046 207 bestätige hiermit, dass ich durchaus
verträte mit der englischen und deutschen Sprache bin und dass
das Vorstehende eine wahrheitsgemässe und richtige Ueber-
setzung der Eröffnungserklärung der Vereinigten Staaten von
Amerika gegen Carl Krauch und Genossen.

27. August 1947

Fred Lax
X 046 207

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FINAL BRIEF OF THE PROSECUTION

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1 June 1948.

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END

MILITARY TRIBUNALS

THE UNITED STATES OF AMERICA

- against -

ERLICH and others (Case VI)

FINAL BRIEF OF THE PROSECUTION

PART I

General Comments Concerning
Individual Responsibility of
Defendants.

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1 June 1946.

Part I - GENERAL COMMENTS CONCERNING INDIVIDUAL RESPONSIBILITY OF
DEFENDANTS

A - Introduction

(1) The Final Brief of the Prosecution will be divided into six parts, as follows:

PART I - GENERAL COMMENTS CONCERNING INDIVIDUAL
RESPONSIBILITY OF DEFENDANTS.

PART II - CERTAIN ACTIVITIES IN PREPARATION FOR
AGGRESSION.

PART III - CERTAIN ACTIVITIES IN FIELD OF PLUNDER
AND SPOILIATION.

PART IV - CERTAIN ACTIVITIES IN FIELD OF SLAVE
LABOR AND MASS DEATH.

PART V - EVALUATION OF CERTAIN DEFENSES.

PART VI - SPECIFIC COMMENTS AND PROPOSED FINDINGS
OF FACT CONCERNING INDIVIDUAL RESPONSIBILITY
OF EACH DEFENDANT.

(2) In this section of the Brief (namely Part I) we will make certain general observations applicable primarily to the responsibility of nineteen defendants who were members of the Vorstand of Farben. Generally speaking, these observations will have relevance, therefore, in considering the guilt of all defendants, with the exception of Durrfeld, Gettleman, Von der Herde, and Tugler. In Parts II, III, and IV, we will then proceed to discuss certain activities engaged in by the defendants in preparing Germany for aggressive war; in plundering and spoliating the chemical industries of Europe; and in the illegal use, mistreatment, and murder of enslaved persons. In Part V, we will discuss and evaluate certain defenses which have been interposed by the defendants in this case. In Part VI, we will then proceed to discuss certain specific activities of each defendant as supplementing the more generalized discussion contained in Parts I, II, III, and IV of this brief.

(3) In the Preliminary Memorandum Brief of the Prosecution, the Prosecution set forth its general theories with respect to the crimes charged in the five counts of the Indictment, and summarized such

selection of the evidence as was deemed necessary to support and explain these theories. In Part VI of the Preliminary Memorandum Brief, there was also set forth certain general theories of responsibility, particularly with respect to the members of the Vorstand. No effort will be made to reiterate in this Final Brief all of the arguments, together with the support therefor, advanced in the Preliminary Memorandum Brief. The Preliminary Memorandum Brief should, therefore, be considered as a part of this Final Brief.

(4) It should be emphasized here that in considering the evidence relating to the guilt of any individual defendant, not only should the specific activities summarized in Part VI of this brief be considered, but the whole of this brief (including Parts I through VI inclusive) together with the Preliminary Memorandum Brief should be taken into consideration.

(5) In this Part I, we will first discuss generally the nature of the responsibility of the members of the Vorstand of Farben for the activities carried on through the instrumentality of Farben; and then we will make certain general observations with respect to the activities of the Vorstand members under Counts I, II, III, and V of the Indictment.

B - VORSTAND MEMBERS

(6) Each Vorstand member (as well as each of the other four defendants) has been indicted under Counts I, II, III, and V of the Indictment. The charges against each such Vorstand member accordingly comprehend the following:

(a) Participation in the commission of Crimes against Peace:
Each member of the Vorstand is charged with bearing a substantial responsibility for conducting activities vital to furthering the military power of Germany, with the knowledge that such military power would be used, and once aggression started was being used, for the purpose of carrying out the Nazi policy of aggrandizement to take from the peoples of other countries their land, their property, and their personal freedoms. As was emphasized in the Preliminary Memorandum Brief of the Prosecution, the allegations contained in

Count II relating to plunder and spoliation, and the allegations contained in Count III relating to slavery and mass murder, are specifically incorporated under Count I, as constituting activities which were an integral part of the initiation, planning, preparation and waging of wars of aggression and invasions of other countries.

(b) Each Vorstand Member is charged with participation in the commission of War Crimes,^{*} particularly as they relate to the plunder of public and private property, exploitation, spoliation, and other offenses against property in countries and territories which came under the belligerent occupation of Germany in the course of invasions and aggressive wars.

(c) Under Count III each Vorstand member is charged with participation in the commission of War Crimes and Crimes against Humanity, particularly as they relate to the enslavement and deportation to slave labor of members of the civilian population of countries and territories which came under the belligerent occupation of Germany; the enslavement of concentration camp inmates; the illegal use of prisoners of war; and the mistreatment, torture, and murder of enslaved persons.

(d) Under Count V each Vorstand Member is charged with participation in a conspiracy to commit Crimes against Peace.

(7) In discussing the criminal responsibility of each member of the Vorstand for the activities carried on through the instrumentality of Farben, we will first discuss generally the nature of the Vorstand and the role which each defendant played in the Vorstand and its various committees and agencies.

(8) All of the defendants, with the exception of Duerrfeld, Gattineau, von der Heyde, and Eukler were members of the Vorstand of Farben. Krauch was a member of the Vorstand until 1940, at which time he became Chairman

* By virtue of the ruling of the Tribunal on 22 April 1948 (Tr. 12194, 12195) the charges relating to plunder and spoliation do not constitute Crimes against Humanity.

of the Aufsichtsrat. Schmitz was Chairman of the Vorstand from 1935 to 1945.

(9) As a matter of historical fact, the management of Farben by the Vorstand covers two periods; one, prior to 1938, and the other from 1938 on. The reason for this division in historical background is that in 1938 the New German Stock Company Law made certain changes in the corporate structure. Prior to 1938, the Vorstand of Farben consisted of approximately 80 members. This large Vorstand appointed a Working Committee of 26 persons, and delegated to that Committee the management and responsibility of the Vorstand. This Working Committee, for all practical purposes, constituted the responsible management of I. G. Farben from 1925 through to 1937. (PE 330; PE 333; PE 334). In 1938 when the new German Stock Company Law became effective, the size of the Vorstand was substantially reduced. The Working Committee was discontinued and its members became regular Vorstand members. (PE 330). The Vorstand after 1937 "was the same as the Working Committee before 1937". (PE 338).

(10) Within the Vorstand, a special Control Committee existed which exercised special authority over personnel matters and over questions governing financial contributions. (PE 330).

(11) Twelve of the defendants were members of the Working Committee of the Vorstand and its successor in 1938, the regular Vorstand, during the whole period from 1933 to 1945 (except that Krauch became Chairman of the Aufsichtsrat in 1940). These were: Schmitz, Buchtafisch, Gajowski, Moorlain, Illner, von Knieriem, Krauch, Kuchac, Hahn, Tur Moor, Oster and von Schnitzler. Schneider became a member of the Working Committee in 1937; Ambros and Wurster became members on 1 January 1938. When the regular Vorstand succeeded the Working Committee in April 1938, those defendants became members of the regular Vorstand. In addition, the following four defendants became regular members of the Vorstand: Buergin, Haefliger, Jachno, Lautenschlaeger.

(12) Six defendants were members of the Central Committee of the Vorstand during the whole period from 1933 to 1945 - Schmitz, Gajowski,

Koorlein, Krauch, Tor Heer, von Schnitzler. Von Krieren and Schneider became members of the Central Committee in 1936.

(13) The internal administrative organization of the Vorstand and the manner of its operation shows that it was designed to, and in fact did, keep the entire Vorstand informed of the important problems of the concern and the manner in which its policies were being carried out; and on the basis of such information action was authorized, approved or ratified by the Vorstand.

(14) On the technical side, above the three main Sparten and the last link in policy between the plants and the Vorstand was the Technical Committee of the Vorstand, the TZA. The TZA was made up of the principal technical leaders of Farben, including the technical members of the Vorstand, the managers of the larger plants, and the leading engineers of the three Sparten. (Pp. 334). The defendant Tor Heer was Chairman of the TZA for the whole period from 1933 to 1945. The following defendants were members of the TZA during the whole period 1933 to 1945: Gajewski, Koorlein, Krauch, Kuhnke, and Jochen. The following defendants became members of the TZA in 1936: Ambros, Bueckelmann, Buerger, Lautenschlager, Schneider and Wuester. Bueckelmann and Schneider were regular guests at the TZA meetings from 1933 until 1936, when they became members. Buerger became a regular visitor to the TZA meetings in 1937. Schnitz, von Schnitzler and von Krieren were regular guests at TZA meetings during the period 1933 to 1945.

(15) Regular meetings of the Vorstand were held seven or eight times a year. They usually began with a report by the Chairman of the Commercial Committee, von Schnitzler, about the meeting of the Commercial Committee (see par. 20 infra) normally held two days before the meeting of the Vorstand. Then Tor Heer, as Chairman of the TZA, reported about the meeting of the TZA normally held the day before the Vorstand meeting. Other matters were then discussed, and in conclusion Schnitz reported about what had been decided upon the day before at the Central Committee meeting, which included a report on the contributions approved by the

Central Committee. (PE 330; and Tr. pp. 6760 to 6762). The defendant Tor Moor has admitted that the Vorstand members had a general view of the over-all course of business, but says that "it was quite impossible in the Vorstand meetings, which lasted only a few hours, to go into too many details." (Tr. p. 6764). The members of the Vorstand were chosen from among persons "who had been active in I. G. Farben, who had grown up in I. G. Farben, who had been trained there, and whom we know personally from collaboration in committees and sub-committees, and in whose case we knew, besides their commercial and technical ability, what exactly their character was." (Testimony of Tor Moor, Tr. p. 6767). Decisions taken in the TEA meetings "were never reversed or substantially amended by the Vorstand." (PE 330). It was not even necessary to take a formal vote on any resolutions of the Vorstand. (PE 330).

(16) Matters relating to production, including the construction of new plants, the expansion of old plants, the scientific and technical aspects of production, including the development of new products, manpower, etc., were the business of the TEA, subject to the approval of the Vorstand. All resolutions of the TEA depended on the final approval of the Vorstand. (PE 337; PE 342; Tr. pp. 6779, 6780). Under the jurisdiction of the TEA was a series of technical subcommittees answerable to it. (PE 372). The decisions of these subcommittees (some of which dealt with commercial matters) were taken to the TEA for approval and then to the Vorstand. Since all the meetings had been held immediately following each other, "the impressions of the persons reporting to the Vorstand were fresh, and it could be said that the entire Vorstand was well-informed about all important matters." (PE 372; see Tr. pp. 1633 to 1635).

(17) Below the TEA were the three Spartan or Main Groups, which were established in 1929 to achieve greater efficiency in production and research, and greater coordination of the individual plants. Each of these Sparte was headed by a leading Vorstand member. The jurisdiction of each Sparte was primarily determined by products rather than by plants or the geographical location of plants. Hence, a number of plants

producing several products fell under the technical supervision and direction of more than one Sparte. Sparte I included nitrogen, synthetic fuels and lubricants, and coal. The defendant Krauch was Chief of Sparte I from 1929 until 1934. In 1934, the defendant Schneider became Chief of Sparte I, and the defendant Buestefisch Deputy Chief. Sparte II included Buna, light metals, dyestuffs and intermediate dyestuffs products, pharmaceuticals, various organic and inorganic chemicals, and chemical warfare agents. From 1929 until 1945, the defendant Ter Meer was Chief of Sparte II. Sparte III included explosives (DAG, etc.), photographic materials, synthetic fibers, cellulose products and other miscellaneous products (including those produced by Kalle & Co.) The defendant Gajewski was Chief of Sparte III from 1929 until 1945.

(18) Just after the merger in 1925, Farben relied a great deal upon general coordination between combines of plants, grouped more or less according to geographical location. After the creation of the Sparten in 1925, the coordination of plants by works combines tended to decrease, insofar as major technical problems were concerned. Their functions in the field of administration did not decrease in importance. The defendant Kuehn was Chief of the Combine Lower Rhine from 1933 to 1945. The defendant Lautenschlaeger was Chief of the Combine Main Valley from 1938 to 1945, and the defendant Jaehne was Deputy Chief of the Combine Main Valley from 1938 to 1945. The defendant Eschgin was Chief of the Works Combine Central Germany from 1938 to 1945. The defendant Wurster was Chief of the Combine Upper Rhine from 1940 to 1945.

(19) The major plants were usually under the direction of a Vorstand member who had his main office at the location of the plant. In some cases, however, more than one Vorstand member was in charge of different technical divisions within one plant; and in some cases, a Vorstand member had direct supervision over more than one plant. Where the local manager of a plant was not a Vorstand member, he received directions and guidance from the Sparte head, the head of the appropriate works combine, or through some other means of coordination and super-

run by the Vorstand. The defendant Lautenschlaeger was in charge of the Hoechst Plant (various chemical products). The defendant Buerger was in charge of Bitterfeld (magnesium, aluminum, and other products). The defendant Gajowski was in charge of the Wolfen Film Plant (photographic materials and other products). The defendant Kuehne was in charge of Leverkusen (various chemical products). The defendant Hourlein was in charge of Elberfeld (sars, pharmaceuticals and vaccines; toxic substances). At the Auschwitz Plant, the defendant Duerrfeld was the Local Manager; the defendant Ambros had supervision of preparations for Buna production; and the defendant Bueckelisch had supervision over the preparations for production of synthetic fuels. Bueckelisch had supervision over the Leuna Plant (synthetic gasoline and other products). At Ludwigshafen the defendant Ambros was in charge of organic production (Buna and other products) and the defendant Burster was in charge of inorganic production.

(20) On the commercial side, are the sales organizations directed by four major Sales Companies, each of which was headed by a Vorstand member. To assist in maintaining coordination in commercial matters, a Commercial Committee was formed after the merger in 1925. This original Commercial Committee declined in importance, and by 1933 was quite inactive. Between 1933 and 1937, coordination was almost entirely through the Vorstand meetings or separate discussions between interested commercial Vorstand members. In August 1937, the Commercial Committee was reconstituted because of increasing problems of economic mobilization, the increasing regulations of a rapidly arming State, the necessity for coordination of Farben agents abroad, and other problems caused by the greatly intensified preparations for war. (PE 360; PE 361). Important policy questions were taken up at Commercial Committee meetings and the decisions reported to the Vorstand for approval. From 1937 to 1945, five of the defendants were members of the Commercial Committee - the defendant von Schriteler as Chairman, and the defendants Hefflinger, Ilgner, Lann and Oster. (The defendant Kugler, a titular director and not a Vorstand member, was a member of the K. from 1940 on). The defendants Schmitz and von Krierlen attended the K. meetings regularly as guests, and quite

frequently some of the leaders on the technical side, particularly Tor Hoor and Gajowski, were in attendance at the KA meetings. (PE 360). In the words of the defendant Krauch "in the TZ and KA all matters relating to I. G. business affairs on the technical, production and commercial sides, were thoroughly discussed, so that the Vorstand members sitting on these Committees were fully informed about projects requiring Vorstand approval, and then they were transmitted to the Vorstand sitting as a body. The TZ and KA had no authority to make decisions, only to deliberate and recommend. However, the Vorstand usually acted upon their recommendations." (PE 330). The witness von Heider stated: "The sales of the products of I. G. Farben, including sales to the Reich Government, were handled by the Sales Combines The head of every sub-division of the Sales Combine Chemicals selling a special I. G. product kept in permanent contact with the technicians of I. G. Farben manufacturing that product Just as there was a close liaison between sales combines and plants, there existed close liaison between the various plants and also between the various sales combines It can be seen from the foregoing that, notwithstanding the decentralization always emphasized by I. G., the whole concern worked as a big well-coordinated unit" (affidavit of von Heider, PE 372).

(21) It is clear, therefore, that any person who was a member of the Vorstand of Farben had the necessary degree of connection, both with respect to the act of participating and with respect to the extent of his knowledge, with the activities carried on through the instrumentality of Farben to be held criminally responsible for such activities. The fact that a particular member of the Vorstand may have taken the leadership in certain specific fields of activities does not affect the criminal responsibility of all members of the Vorstand for such activities. And it should also be borne in mind that certain activities in and of themselves may be wholly innocent. "Yet if they are part of the sum of the acts which are relied upon" (see American Tobacco Co. vs. U. S. 320 US 781, 1946), those who participated in such activities with knowledge of the overall criminal program are equally as guilty as those who may have

participated in certain other acts forming part of the program, which acts are in and of themselves criminal in nature. The evidence shows that both under the requirements of the by-laws of Farben and as a matter of actual practice, when a particular member of the Vorstand was administering a specialized field of activities, he was acting for the Vorstand, reported regularly to the Vorstand on his activities, and his act was either initially authorized, approved, or later ratified by the Vorstand. At the same time, the person in charge of the specialized field of activity, being a member of the Vorstand himself, was authorizing or giving his approval or ratification to activities falling within the specialized fields of other members of the Vorstand.

(22) The internal administrative machinery which the Vorstand created, such as the TDA and the KA and other committees, were all designed to permit certain Vorstand members to assume leadership in a specialized field of activity while at the same time putting the Vorstand in a position of formulating policy; approving or ratifying specific acts; and keeping informed on all matters of importance in the concern.

(23) The defendant von Kries, the General Counsel for Farben, has testified that at the meetings of the Farben Vorstand a formal taking of votes did not occur with perhaps one exception; that under the practice of not taking votes at the Vorstand meetings, it was commonly understood that if dissent was not expressed that amounted to Vorstand approval of the policy or action reported upon; that the same situation was true generally with respect to meetings of the TDA; that the Vorstand had the responsibility for resolving differences of opinion which could be settled according to the by-laws of the Vorstand by formal vote if necessary - the majority deciding the question and if the votes were equal, the President casting the deciding vote. (Tr. pp 6714-6715).

(24) The fact that a defendant was a member of the Vorstand of Farben is, accordingly, of vital significance in two respects. In the first place, it meant that he as one of the persons on the body which governs Farben activities, substantially participated in the activities

carried on through the instrumentality of Farben. In the second place, it meant that he knew of any matter of any importance in the affairs of Farben even though he may not have known (although he could have found out with the slightest investigation) of any details in connection with the administration of such matters.

(25) It is not the position of the prosecution, however, that membership in the Vorstand of Farben automatically makes a person responsible for the criminal activities carried on through Farben during the period in which he was a member. Each defendant here is being tried for his individual participation in the crimes charged. We do not contend that Control Council Law No. 10 provides for vicarious criminal responsibility. We believe that the evidence which has been introduced concerning the activities and organization of Farben establishes beyond a reasonable doubt that each of the Vorstand defendants individually is guilty of the crimes charged in Counts I, II, III, and V. We believe that the evidence proves beyond a reasonable doubt that each of the Vorstand defendants performed the act and had the state of mind required to constitute individual guilt. We will not proceed to briefly analyze the reasons why we contend that each Vorstand defendant is guilty on each of these four Counts.

C - COUNT I

(26) The theory of the prosecution as to the nature of the act and state of mind required to hold a person guilty of a Crime Against Peace is set forth in our Preliminary Memorandum Brief and more fully developed in our Answer of 5 January 1948 to the defense motion for a finding of not guilty on Count I and Count V. It is the contention of the prosecution that the evidence establishes beyond a reasonable doubt that each Vorstand defendant performed the required act and had the required state of mind.

(27) The evidence which has been introduced during the course of this trial conclusively establishes that all of the crimes charged in the Indictment were committed. This fact is clear beyond dispute.

Every sentence in the Indictment with a few minor exceptions has been overwhelmingly proven. The remaining question is whether or not the evidence has established sufficient connection on the part of each of these defendants individually with these criminal activities carried on through Farben.

(28) The crimes committed through the instrumentality of Farben were not the acts of a soulless, lifeless legal entity - of a charter and by-laws. They were in fact and in law the criminal acts of individuals, the acts of the responsible managers who actually directed and controlled the legal entity. Although Farben was a giant concern, it was not a robot which ran by itself. It was directed by men and its responsible directors were the members of the Vorstand. No technical niceties of any "law of corporations", or claim of lack of knowledge of this or that detail on the part of an individual Vorstand defendant can obscure the decisive fact that the crimes committed in the name of I. G. Farben were the crimes of these defendants, who are I. G. Farben in fact.

(29) It may be contended that each defendant had certain specific responsibilities in specific fields and that although the over-all program of Farben during this period of years was clearly criminal, yet the individual participation by these defendants in their specialized field did not constitute sufficient participation in this criminal program. This contention is untenable. It is admittedly true that certain members of the Vorstand played leading roles in certain fields such as Ter Meer and Ambros in connection with synthetic rubber; Krauch and Buettelisch in connection with the synthetic oil program; Baerlein and Haefliger in connection with light metals; Krauch, Schmitz, Ter Meer, Ambros, Baerlein, Gajewski, Schneider, Wurster and Buettelisch in connection with the operation of the Four Year Plan; von Schnitzler, Mann, Schmitz, Gattineau, Ilgner and von der Heyde in connection with certain aspects of propaganda, intelligence and espionage; Schmitz, Ter Meer, von Knierim, Ambros, Buettelisch, Schneider and Wurster in connection with certain phases of stockpiling and weakening other countries through the use of international

cert as; von Schnitzler, Ter Meer and von Knierim in connection with certain aspects of camouflage and protecting foreign assets for use in connection with the aggressive war; Krauch, Ter Meer, Wurster, Ambros, and Hoeberlein in connection with chemical warfare agents; and Schultz, von Schnitzler, Ter Meer, Mann, Ilgner, von Knierim and Kuegler in connection with the "new order", etc. The fact that these persons played these leading roles in these particular fields, however, does not take away from the fact that each and every member of the Vorstand was responsible for all of these activities and knew of and approved or ratified all important aspects of such activities.

(30) As we have seen, twelve of the defendants were in the Vorstand of Farben during the whole twelve-year period from 1933 to 1945 (except as Krauch was Chairman of the Aufsichtsrat from 1940 to 1945). The other seven defendants were all members of the Vorstand by April 1938 and were appointed members because of the leading roles which they had played in Farben activities during the preceding years. We have, therefore, a group of nineteen individuals who, during the period of twelve years, worked together, at the same time playing leading roles in their own specialized fields, and through their joint efforts enabled Germany to carry out her aggressive program which plunged the world into war.

(31) The fact that each defendant had a special role to perform increases rather than lessens the responsibility of each defendant for the over-all program. For if it were not for the activities carried on by any particular defendant, the whole program might have failed.

Krauch became the leading figure in the government in the field of chemical production; and used his position to further the Farben program of aggrandizement along with the Nazi program of aggrandizement.

Schultz, as head of the governing body of Farben, had general supervision of the activities of Farben and top control of all matters of finance; his position with the Government (on the Committee of Experts of Goering and member of the Reichstag) aided him in seeing to it that Farben made plenty of money out of the business of war.

Von Schnitzler, as head of the Commercial Committee, coordinated Farben's business interests with the Nazi preparations for aggression; and once aggression had begun, saw to it that Farben got more than her share of the spoils of conquest.

Ter Meer, as top technical man in Farben, bears special responsibility for Farben's whole production program; as well as playing a special role in Farben's synthetic rubber program (including furthering development within Germany and inspiring development abroad).

Gajewski, as head of Sparte III, played a leading role in the field of gunpowder and explosives; and geared the production of artificial fibre, rayon, silk and photographic materials with the requirements of war.

Schneider, who took over the leadership of Sparte I when Krueck entered the Government in 1936, had general supervision over Farben's production of synthetic gasoline, synthetic nitrogen, and synthetic methanol.

Moorlain, a full member of the Vorstand, the Central Committee, and the TGA during the whole period from 1933 to 1945, played a leading role in the field of vaccines, sera, pharmaceuticals, and poison gas.

Von Knierim, a full member of the Vorstand during the whole period from 1933 to 1945, was the chief counsel of Farben.

Ambros, played a leading role in the fields of synthetic rubber, gunpowder and explosives; and was the chief technical man executing Farben's production program for chemical warfare agents.

Bustafisch played a leading role in the development and production of synthetic gasoline, synthetic nitrogen and synthetic methanol.

Buerger played a leading role as a technical man in the field of light metals and other products vital for war.

Knefliger was the commercial man who took a special interest in the field of light metals; and he was the defendant who kept his Swiss citizenship so that he would be able to act as "a neutral" in serving Farben's interests when war came.

Ilgen, together with Mann, promoted and directed the propaganda, intelligence and espionage activities of Farben.

Lautenschlaeger was head of Farben's Main Valley Combine and shares responsibility with Jachne for the management and direction of Farben's main plant at Hoechst, through which a number of Farben's activities in the technical field (engineering problems, construction problems, air raid precautionary measures, etc.) were coordinated; Lautenschlaeger specialized in the field of pharmaceuticals, sera and vaccines.

Jachne was Deputy Chief of Farben's Main Valley Combine and shares responsibility with Lautenschlaeger for the management and direction of Hoechst; he was Farben's chief engineer and head of TIED.

Kuehne, a full member of the Vorstand and TIA during the whole period 1933 to 1945, was Chief of the Works Combine Lower Rhine and Plant Leader at Leverkusen; having direct supervision over the production of a number of vital war products.

Mann, a commercial member of the Vorstand during the whole period from 1933 to 1945, had supervision over Farben's representatives and agencies in 75 countries of the world; played a leading role in the field of propaganda, intelligence and espionage.

Oster, a commercial member of the Vorstand during the whole period from 1933 to 1945, specialized in the field of nitrogen; and as manager of the Nitrogen Syndicate coordinated Farben's interests with the program of the Government.

Furster was responsible (along with Ambros) for production planning at the Ludwigshafen-Oppau plants; and was the chief technical man in Farben in the inorganic field.

* * * *

(32) Each defendant performed his role as part of carrying out the overall program and knowingly authorized, approved, ratified and confirmed the over-all program.

(33) The activities for which the Farben Vorstand was responsible were indispensable to, and played a major role in, Germany's preparation for aggression. And each and every member of the Farben Vorstand knew that these activities were in preparation for aggression. The fact that

each Vorstand defendant was knowingly furthering the Nazi policy of aggression is clear as is the act of participation.

(34) The defendant Kuchne, writing to the defendant Schmitz in October 1941, described the achievements of the members of the Farben Vorstand in one paragraph. Concluding his letter he states: (PE 2063).

"At the conclusion of his long lengthy statement, regarding which I hope I will once more be able to report to you in person, Herr Funk said the following: 'He felt compelled yet to refer to the remarks made by Herr Flaiger and by me. Naturally, coal, iron, guns and procurement of materials were necessary for waging war, and the importance of the industries must not be underestimated. However, one thing he must establish, without the German I.G. and its achievements, it would not have been possible to wage this war.' You can imagine I was overjoyed and expressed to Herr Funk my thanks in the name of the whole I. G."

(35) In the Preliminary Memorandum Brief of the Prosecution, we reviewed certain activities of these defendants during the period 1933 to 1945 which, when taken together with the events occurring in Germany during this period, establish beyond a reasonable doubt that the defendants knew that the military machine they were building up would be used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property, and their personal freedoms. Since the close of the Prosecution's case-in-chief, a considerable amount of additional evidence has been introduced, both by the defense and by the prosecution, which reveals more clearly than before the state of mind of these defendants. In the individual sections of Part VI of this brief, relating to certain specific activities of each defendant, we will discuss some of the highlights in the evidence bearing on the state of mind of these defendants. It may be helpful at this point to indicate very briefly the nature of some of this evidence.

(36) The individual section of Part VI relating to the defendant Krauch summarizes a considerable amount of evidence bearing on his state of mind as a result of the knowledge which he gained through his Government positions, and his leading role in the rearmament program of the

Nazi Government; and as a result of the specific knowledge which he acquired at various important government meetings which he attended.

(37) The evidence relating to the state of mind of the two leading commercial men in Farben, the defendants Schmitz and von Schnitzler, is as overwhelming as is the evidence relating to the state of mind of the defendant Krauch. By virtue of his leading position in Farben and his positions with the Government, the defendant Schmitz had sources of information as good as the defendant Krauch (with whom he was in constant contact). Even if one completely ignores the admissions of the defendant von Schnitzler, the evidence relating to his activities as the first commercial leader of Farben shows that he knew that the rearmament program could have no other meaning than that Germany intended to wage an aggressive war; quite apart from the specific knowledge which he acquired at various important government meetings which he attended.

(38) The remaining members of the Central Committee, namely Gajewski, Heerlein, von Knieriem, Ter Meer and Schneider, had especially good information concerning the purpose of the rearmament program. Gajewski, Heerlein, and Ter Meer were full members of the Central Committee as well as the Vorstand during the whole twelve year period from 1933 to 1945; the defendant von Knieriem was a member of the Vorstand during this whole period; and the defendant Schneider became a member of the Working Committee in 1937 after having taken over Krauch's position as leader in Sparte I. In addition to being a member of the Central Committee, Gajewski's close connection with the D.G., his role in the rearmament program, and the various activities which he engaged in in preparation for war, establish beyond a reasonable doubt, that he knew what was coming. As top lawyer in Farben, von Knieriem had a general overall knowledge of Farben's activities, and as indicated in the individual section of the brief on von Knieriem, he knew the purpose of these transactions. The defendant Heerlein, as full member of the Central Committee, the Vorstand and the IZK during the whole twelve year period, clearly knew the purpose of the activities which he authorized, approved,

ratified and confirmed during this time. The defendant Ter Meer, being chief of the TEA as well as a member of the Central Committee, had an overall knowledge of Farben's production and its purposes. Furthermore, certain specific documents cited in the section of Part VI on the defendant Ter Meer, show clearly that he knew the purpose and significance of what he was doing. In this connection, the admissions of the defendant Ter Meer in his own affidavits are especially revealing. The defendant Schneider, as chief of Parte I, as well as being a member of the Central Committee, not only had a wide knowledge of Farben's activities and their purpose, but was in a peculiarly good position to know what was coming as a result of being in charge of the production program for nitrogen, gasoline, and methanol.

(39) The other members of the TEA who were not members of the Central Committee also clearly knew the purpose of Farben's production program. Thus, the defendant Ambros not only had a general knowledge as a member of the Vorstand and of the TEA, but also had especially good knowledge of the purposes of the rearmament program, by virtue of his activities in the field of guns, gunpowder, explosives, and poison gas. The defendant Bueckfisch, in addition to being a member of the Vorstand, had special knowledge as the production chief directly in charge of the synthetic gasoline, methanol and synthetic nitrogen program. Furthermore, his activities beginning in 1932 in connection with the development of the synthetic gasoline program of Farben, and his close connections with the Nazis, the SS and the Himmler Circle, leave no doubt as to his state of mind. The defendants Jaehne and Lautenschlager, being not only members of the TEA and the Vorstand but also being the leaders of Farben's main plant at Hoechst, gained overall knowledge of Farben's activities in the field of rearmament, and as the evidence indicates, knew their purpose. (Jaehne was a full member of the Vorstand and the TEA during the whole twelve year period). The evidence is equally clear that the defendants Kuehne (member of the Vorstand and the TEA, Chief of one of Farben's works combines, and plant leader of one of Farben's main plants during the

period 1933 to 1945), Buerger (who in addition to being a member of the Vorstand and the TGA, had special knowledge of the purpose of the light metals and other war programs), and Wurster (who in addition to being a member of the Vorstand and the TGA, had special knowledge of the production of many vital war products at Ludwigshafen and Oppau), knew that Farben's war production program was geared and timed to the requirements for aggression.

(40) At this point, the question might be asked - how about the state of mind of some of the commercial members of the Vorstand who did not have as clear an insight into the meaning of the production program as some of the technical members had? In the first place, it might be pointed out that these commercial members worked closely over a period of many years with the technical members as part of one team, and it is totally inconceivable that the overall purpose of Farben's production program would be, or could be, kept secret from the commercial members by the technical members. If more convincing proof is needed of the state of mind of such commercial members, reference is made to the Commercial Committee meeting of March 11, 1938, held one day prior to the Nazi invasion of Austria (PE 893). A memorandum dictated by the defendant Haefliger five days later shows a bare minimum of what even one of the least prominent members knew about the Nazi program of aggression. The defendant Haefliger sets forth in some detail, the discussion which took place at that meeting, attended by the defendants Schmitt, von Schnitzler, Haefliger, Ilgner, and Ihm. In the words of the defendant Haefliger. (PE 2014):

"Let us call to mind for a moment the atmosphere in which this meeting took place. Already at 0930 the first alarming messages had reached us. Dr. Fischer returned excited from a telephone conversation and reported that the Gasolin had received instruction to supply all gas stations (Benzinstellen) in Bavaria and in other parts of Southern Germany towards the Czech border. A quarter of an hour later, there came a telephone call from Durgahnusen according to which quite a number of workers had already been called to arms, and the mobilization in Bavaria was in full swing. In the absence of official information, which was made known only in the evening, we were uncertain whether simultaneously with the march into Austria which to us was already

an established fact there would not also take place the 'short thrust' into Czechoslovakia with all the international complications which would be kindled by it. The first thing I did was to ask at once for a connection with Paris to cancel my trip to Cannes (Molybdenum negotiations). At the same time, I suggested to Mr. Meyer-Kuster, who was already in Paris and to whom I talked by telephone, to watch developments closely, and to depart too early rather than too late. Furthermore, I requested him to induce Mr. Meyer-Egulin, who also had already arrived in Paris, to return the same evening. Under these circumstances, of course, the conference on M-Matters took on highly significant features. We realized suddenly that - like a stroke of lightning from a clear sky - a matter which one had treated more or less theoretically could become deadly serious, and furthermore, it became clear to us that the preparations which we had made up to now for the Grunenburg had to be considered rather defective after all. As I had up to now not sworn an oath on the M-matter, I heard only later, after I had sworn such an oath on 12 March in the Reich Economic Ministry, in greater detail about the steps we had taken, which of course I cannot discuss here in detail."

Although the defendant Oster (member of the Vorstand during the whole twelve year period) was not present at this particular meeting, it is clear from the evidence that he was as well informed in this respect as his commercial colleagues.*

(41) The evidence establishes beyond a reasonable doubt that the Vorstand defendants knowingly played a major role in furthering and executing the Nazi policy of aggrandizement to use force in order to take from the peoples of other countries their land, their property, and their personal freedoms. Each Vorstand defendant knowingly participated in a common plan, or conspiracy, to carry out this program. If over there was a case of a group of men acting together in concert to

* It will also be noted from the individual sections of Part VI relating to the defendants Kuehne, Wurster and Buegin, that these three defendants attended a meeting of the Charitable Committee on March 2, 1936, with Haeffliger, where a report was given concerning the reasons "which have lead to the starting of negotiations concerning an interest in the Skoda Works-Metallurg A.G." These same defendants, namely Kuehne, Wurster and Buegin, attended another meeting with Haeffliger on 5 April 1936, shortly after the Nazis had seized Austria, at which meeting Haeffliger reported on his conferences in Vienna and spoke of Farben plans to acquire approximately 70%, pointing to "the better prospects which the Anschluss has brought for the future of the enterprise."

accomplish a goal, this is the case. For several years, the nineteen defendants who were members of the Vorstand of Farben worked closely together, consulting with each other continuously, on a program designed at the same time to further the Nazi program of aggrandizement and Farben's program of aggrandizement. If it were not for Farben, the Wehrmacht would not have been able to march into other countries; and if the Wehrmacht had not marched into other countries, these defendants would not have been able to rob these countries of their chemical industries and of their manpower. Each of these defendants had his own vital role to perform in the carrying out of this criminal program.

(42) It should be noted that the evidence establishing the particulars set forth in Sections A and B of Count II is relevant to the charges contained in Count I. Although the Tribunal ruled that such particulars would not constitute crimes against humanity or war crimes (tr. 12194, 12195), this ruling did not, of course, affect the relevancy of such particulars to the charges concerning Crimes against Peace. As indicated in the Preliminary Prosecution Brief, although Austria was not charged in the IIT indictment as an aggressive war, it is clear that the IIT regarded the invasion and occupation of Austria as a Crime against Peace. Thus, the IIT stated (pp. 318, 319): "It's occupation is, therefore, a 'crime within the jurisdiction of the Tribunal' as that term is used in Article 6(C) of the Charter." Concerning the fact that Austria succumbed without a shot being fired, the IIT said (p. 194): "The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered".

D - COUNT II

(43) The same basic considerations apply equally to the guilt of each of the Vorstand defendants for the crimes charged in Counts II and III of the indictment. It is true that Farben's Commercial Committee initially discussed new policies in connection with Farben's activities in the plunder and spoliation of the chemical industries of the European countries. It is true that the defendants Schmitz, von Weizsäcker,

von Schnitzler, Ter Meer, Bueteffisch, Haefliger, Ilgner, Kuchne, Mann
 and Oster (as well as Gettineau and Kugler) took an active part in
 these matters, and that said defendants played more active roles in the
 spoliation of certain countries than other defendants. All of this, how-
 ever, does not limit the responsibility of each member of the Vorstand,
 nor diminish the fact that each member of the Vorstand knew that Farben
 was plundering chemical industries throughout Europe. For example, the
 fact that Schmitz, von Schnitzler, Ter Meer, Ambros, Mann (as well as
 Kugler) were especially active in the plunder of France, does not mean
 that Bueteffisch, Haefliger, Ilgner and von Knieriem (as well as Gettineau)
 who were particularly active in Austria, were not to be held responsible
 for Farben's over-all program of plunder and spoliation. And the fact
 that Krauch, von Schnitzler, von Knieriem, Ter Meer, Ambros, Bueteffisch,
 Ilgner, Mann and Oster were especially active in connection with planning
 spoliation in Russia, does not mean that the other Vorstand members are
 not to be held responsible for these activities. Not only is each of
 the members of the Vorstand responsible for the activities of plunder
 and spoliation carried on by Farben throughout Europe, but it is clear
 that each Vorstand defendant knew the nature and the purpose of these
 activities. With respect to each act of spoliation and plunder, we
 find certain defendants playing a leading role. Each of the defendants
 played a leading role in one or more of these acts of spoliation, in
 addition to authorizing, approving and ratifying such acts as a member
 of the Vorstand. However, the fact that Krauch played a more active
 role in Russia and Norway; that von Schnitzler played a leading role in
 Russia, France and Poland; that Schmitz was more active in the plunder
 of France and Norway than he was in other countries; that Ter Meer
 played an especially active role in Russia, France and Poland; etc.,
 does not in any way limit the responsibility of these defendants for the
 over-all program which Farben embarked on to rob other countries of their
 chemical industries. These defendants not only participated in these
 activities directly and were responsible for them as members of the

Vorstand, but it is equally clear that they knew what the purpose and nature of these activities were.

(44) As will be seen from an examination of the minutes of the Commercial Committee meetings during the period from March 1938 on, the activities of Farben in the countries which fell, one by one, under the heel of the Nazi army were discussed at practically every meeting. These discussions included the activities of Farben in Austria, Czechoslovakia, Poland, Norway, France and Russia. In addition to the regular members of the Commercial Committee, the defendants Schmitz and van Kniestedt, as well as some of the leaders on the technical side were in frequent attendance at the KM meetings at which these discussions took place. The recommendations of the KM, like the recommendations of the TKG, went to the Vorstand for approval. It is clear, therefore, that each member of the Vorstand bears responsibility for and knew of the activities of plunder and spoliation carried on through the instrumentality of Farben in each of these countries. Just as these defendants had supported the policy of the Nazi government to take from the peoples of other countries that which belonged to them, these defendants used this same resort to force to see to it that Farben shared in the loot of conquest.

(45) The crimes charged in Count II, just like the crimes charged in Count I, require both an act and a state of mind. As was the case in connection with the evidence relating to the commission of crimes against peace, the evidence which has been introduced to support the charges in Count II establishes that each member of the Vorstand of Farben not only participated in Farben's program of plunder and spoliation, but knew that such program amounted to the utilization of the economic resources of the occupied countries for the benefit of the German war machine and the destruction of the economy of the occupied countries regardless of the local needs of the occupying German Army; and that in most cases this program amounted to outright robbery.

(45) The following excerpts from the examination of three defendants who took the witness stand in their own behalf are particularly revealing, insofar as they shed light on the responsibility of the Vorstand for the plunder and spoliation activities of Farben.

(a) HUEFLIGER on direct examination

Tr. 9165

- Q What did you do, Dr. Huefliger, when Koppenberg made these demands?
- A I did not comment on it at Oslo. I said that I would have to report at home. Soon thereafter, at the Vorstand of the 5th of February 1941, I and the technical director, Dr. Moschel, who had also been present at these negotiations, reported about the pressure started by Koppenberg. I refer to Prosecution Exhibit 1191, Document Book 65, English page 43, German page 87. Thereupon there was a meeting in the Reich Ministry of Aviation since I had received instructions in the Vorstand to continue to negotiate on this matter.

.....

(b) KUPFER on direct examination

Tr. 10177

- Q My next question now will be the following. During any other negotiations of Farben abroad during the years 1939 and following, did you participate personally?
- A No, these negotiations were conducted by the people who were competent for each question.
- Q May I ask you, did you learn about them?
- A I was certainly informed about them, for the people competent and responsible for this particular field reported about their personal decisions of their commissions to the Vorstand during regular reports.
- Q Did the Vorstand vote on such reports or suggestions?
- A I can't remember any vote. I already talked about far-reaching decentralization in the Farben Vorstand. We had complete trust in our individual experts. We knew that they would get advice from experts, commissions and their legal advisers, who were given to each one of us. Thus it was not customary to check on the decisions in the Vorstand of the competent experts.

.....

(C) KUGLER on direct examination

Tr. 12572

- Q Did you have a decisive influence about the fact as to whether or not the Francolor negotiations would be concluded by Farben and about the contents of the agreement?
- A One cannot say that. The decision was not in my hands, but in the final analysis it was in the hands of the Vorstand members.

R - COUNT III

(47) The principles governing the guilt of members of the Vorstand for the crimes charged in Counts I and II are generally applicable to the crimes charged in Count III. It is true that the Technical Committee often recommended whole programs involving slave labor to the Vorstand for approval and that individual defendants headed some of the Farben plants and combines using slave labor, such as Burster and Ambros at Ludwigshafen; Lautenschlager and Jaschke at Hoechst; Moerlein and Kuchno at Elberfeld and Leverkusen; Buergin at Bitterfeld; Gajowski at Wolfen-Film; Schneider and Gustafisch at Leuna; and Ambros, Gustafisch and Duerrfeld at Auschwitz. It was also true that Schneider, Ter Meer and Gajowski, as Works heads, had special responsibilities in this field; and that Schneider, as Main plant leader, and some of the other defendants as plant leaders, had special responsibility for slave labor employment and welfare. This does not lessen, however, the extent of participation in and knowledge of such activities on the part of each and every member of the Vorstand.

(48) It has been established that the Farben Vorstand authorized, approved and ratified the use of foreign workers, prisoners of war and concentration camp inmates as slaves in the Farben plants. That each and every member of the Vorstand knew the general policy being pursued by Farben plants in the use of this slave labor is not even open to argument. In addition to the fact that each and every member of the Vorstand

knowingly authorized, approved and ratified the use of slave labor, the evidence also establishes that these Vorstand defendants took the initiative in obtaining such slave labor. Such slave labor obtained on the initiative of these defendants was ill-fed, ill-clothed, ill-housed, mistreated, beaten, tortured and murdered. The conditions under which the slave labor at I. G. Auschwitz worked were so bad that, if it were not for the overwhelming nature of the evidence, it would be almost unbelievable. The evidence also establishes that each member of the Vorstand knew of such conditions.

(49) In Part IV of this brief the conditions at I. G. Auschwitz are described in some detail. The responsibility for the mistreatment, torture, and murder of such inmates rests on the shoulder of each member of the Vorstand. The evidence shows that the Vorstand authorized, approved, and ratified the use of such inmates, and took the initiative in obtaining them. The Vorstand defendants continued to take the initiative in obtaining such inmates, even after it must have been clear to these defendants that such inmates were being used as machine tools and when worn out were discarded into the gas chambers. In Part II of the Preliminary Memorandum Brief and Part IV of this brief the evidence showing that these defendants knew the conditions in I. G. Auschwitz is discussed in some detail. The evidence, which has been introduced during the defense case, has merely served to fortify rather than detract from the conclusions reached in the Preliminary Memorandum Brief. On the shoulders of the Vorstand defendants can be placed not only the responsibility for treatment of the inmates at I. G. Auschwitz; but also responsibility for supplying the poison gas which was used to exterminate such inmates at Birkenau. The evidence with respect to this matter has been discussed in the Preliminary Memorandum Brief, and is developed further in Part IV of this brief.

F - COUNT V

(50) In Part V of the Preliminary Memorandum Brief, the theories of the Prosecution with respect to the charges in Count 5 of the Indictment are set forth. As indicated therein, the Indictment was framed on the theory that the charges in Count I, and the charges in the conspiracy count, are separate and distinct crimes.

(51) The evidence which has been introduced establishes beyond any reasonable doubt that the Vorstand defendants participated in a conspiracy to further the Nazi policy of aggrandizement to use force in order to take away from the people of other countries their land, their property, and their personal freedom. And in the words of the Supreme Court of the United States in Direct Sales Co. vs. U. S., 391 U.S. 703 (1943), the Vorstand defendants supplied the Nazi conspirators with their "stock-in-trade" for "their illicit enterprise", and by so doing joined "both mind and hand" to make the accomplishment possible. With respect to these Vorstand defendants, "There is more than suspicion, more than knowledge, acquiescence, carelessness, indifference, lack of concern. There is informed and interested cooperation, stimulation, instigation. And there is also a 'stake in the venture' which even if it may not be essential, is not irrelevant to the question of conspiracy." (Direct Sales Co. vs. U. S., supra)

(52) In the words of the International Military Tribunal (Vol. 1, Trial of the Major War Criminals, p. 226): "Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they knew what they were doing."

MILITARY TRIBUNALS

THE UNITED STATES OF AMERICA

- against -

KRAUCH and others (Case VI)

FINAL BRIEF OF THE PROSECUTION

PART II

Certain Activities in
Preparation for Aggression

Furnberg, Germany

1 June 1948

2. INTRODUCTION

(1) We shall discuss in this part of the brief the role of the defendants, through the instrumentality of Farben, in the economic mobilization of Germany for war and in the equipping of the Nazi military machine to wage aggressive war. We refer to the discussion of this and related subjects in our Preliminary Memorandum Brief, Part I, at pp. 19-47, and shall undertake only to supplement that here.

(2) The backbone in the preparation for war is industrial strength evidenced by the conversion of its normal peacetime production and facilities to a war economy. That process of conversion does not take place overnight. What we shall show is how these defendants, through the instrumentality of Farben, proceeded to equip the Nazi military machine in fields where their production was indispensable to waging aggressive war.

(3) We propose to show what were the main fields of production which was the lifeblood of the Nazi military machine, and then we shall show that this lifeblood was supplied by these defendants through the instrumentality of Farben.

(4) The report of the U. S. Strategic Bombing Survey (PE 715), listed the most important industrial targets as (1) the synthetic oil industry, (2) the synthetic rubber industry, and (3) the explosives industry.¹

1 The report states: "Synthetic oil, rubber, nitrogen and other important chemicals depended primarily on coal, air, and limestone, of which Germany had ample supplies, and these simple raw materials were the foundation of a complex chemical industry. * * * Germany's chemical industry as a whole was reasonably self-sufficient for war needs in 1939. The story of the industry is primarily the story of the I. G. Farben which controlled perhaps 85% of the entire industry. The I. G. Farben plants at Leuna, Ludwigshafen, and Leverkusen were among the largest plants in the world.***" (PE 715 at p. 13).

(5) In discussing why the German synthetic oil industry was chosen as a target of prime importance, the report states:

"It had more far-reaching effects than the mere loss of oil production. Bombing of the synthetic oil plants dealt a crippling blow to the munition and explosive industries and severely affected the synthetic rubber industry." (at p. 4).

(6) The report particularly refers to the importance of Farben's Leuna plant and states:

"Leuna not only was the largest hydrogenation plant in Germany, but was also of great importance because of its production of nitrogen and other chemicals. It was the most heavily protected plant in central Europe. The defenses were such that the plant was most difficult to hit. * * * Before the end of the war, Leuna was raided 22 times--twice by the RAF and 20 times by the 8th Air Force. Due to the urgency of keeping this plant out of production, some of these missions were dispatched in difficult bombing weather. * * * A total of 6,552 bombers attacked this target with 18,328 tons of bombs. The battle of Leuna was one of the major battles of the war, and in spite of the severe losses, the battle was won." (at p. 5).²

(7) In discussing the importance of synthetic rubber, the report states:

"Before the war, Germany was the third largest consumer of the world's rubber, after the United States and the United Kingdom. Germany's per capita consumption was roughly 1/4 as much as that of the United States. In 1937 and 1938, Germany had an average annual consumption of 92,000 tons of natural rubber as compared with 600,000 used by the United States. * * * During the pre-war period synthetic rubber production increased from 1,100 tons in 1936 to 21,000 tons in 1939. In order to stimulate the development of the synthetic rubber industry, it was given substantial tariff protection. In addition, the I. G. Farben synthetic rubber development at Leverkusen was directly subsidized. * * *

"In substance, therefore, Germany started the war with practically no stockpile of either natural or synthetic rubber; imports during the war were negligible because of the blockade and from the start of the war throughout, she was dependent upon only three large and one small synthetic plant for her requirements." (PE 715, at p. 8, 9).

² Related to synthetic gasoline is tetraethyl lead, of which the report states that: "The major opportunity in the Allied air offensive against oil was unexploited. Ethyl fluid is an indispensable constituent of high grade gasoline. The addition of ethyl fluid in very small amounts for gasoline is so beneficial that no modern aircraft is operated without it. Ethyl fluid is made from tetraethyl lead and ethylene dibromide. There were only two tetraethyl lead plants in Germany * * * Geveland Froese." (at p. 8). (PE 391 indicates that both were Farben plants.)

(8) The report further continues:

"Synthetic rubber production nevertheless suffered because of its integration with the synthetic oil plants. * * * Schkopau production was hurt and eventually lost completely because Schkopau was dependent upon Leuna, five miles away, for its supply of hydrogen. The 22 raids against synthetic oil at Leuna * * * kept the plant down to an average of 9% of capacity and as Leverkusen could not ship hydrogen to Schkopau, Schkopau could not make synthetic rubber. * * * Just as the major loss in the important chemical industry resulted from the bombing of synthetic oil installations, the loss in synthetic rubber production was the by-product of the bombing of synthetic oil." (Supra, p. 9a, 12).

(9) In discussing the importance of the German powder and explosives industry as a target, the report indicates the technical inter-relation of the hydrogenation processes used in Farben, which process was basic for synthetic oil, rubber, and explosives. Thus, the report (PE 616), states:

"For a clear appreciation of the effect of strategic bombing on the German powder and explosives industry, knowledge of the inter-relation of this industry with, and the dependence upon, synthetic ammonia (nitrogen), methanol, and oil industry is necessary. * * * These 3 synthetic manufactures were all high pressure processes which required a source of large volumes of hydrogen of a high type of purity using the same type of equipment. * * * In certain plants it was planned when the synthetic oil facilities were installed, that they should be dependent in part on hydrogen capacity installed previously for ammonia production, when full capacity ammonia operation was not required." (p. 2). (See also PE 24).

(10) The report (PE 715) continues:

"All the large units producing nitrogen and 90% of the methanol production were located in the synthetic oil plants. Leuna and Ludwigshafen-Oppau were the two most important plants accounting for 60% of nitrogen and 40% of methanol. These two plants also produced 76% of the country's ethyl chloride for tetraethyl lead." (p. 13c) * * * It was fortuitous that production of the two most important chemicals, nitrogen and methanol, was heavily concentrated in synthetic oil plants. The consequent shortages in powder and explosives were of primary importance in reducing the ability of the German Wehrmacht to oppose the Allied advance and the Russian offensive. Both of these campaigns involved enormous consumption of explosives at a time when production was being rapidly exhausted. * * * Nitrogen is the most important war chemical. Almost without exception, military powders and explosives require nitrogen in the form of nitric acid for their production. * * * There was always ample capacity for making nitric acid and for the nitrating of various chemicals to make explosives and ample facilities for the actual filling of shells.

It was the destruction of the primary nitrogen-fixation facilities that knocked out Germany's production of ammunition. Germany's nitrogen industry possessed all the qualifications to have been a primary bombing target. Nitrogen production was directly used in and was essential to Germany's military efforts. * * * Bombing of the nitrogen industry was effective and decisive. It was a by-product of the bombing of synthetic oil." (p. 14a).³

(11) This was the Nazi military machine; its lifeline--synthetic gasoline, rubber, and explosives.

(12) What was the planning and preparation that built this machine? Did these defendants know the purpose of their participation in this preparation?

(13) We start with the first detailed plans of economic mobilization for war in 1934;--the first blueprint of industrial preparation for war shown in this record. It is an official governmental report on "the progress of work for economic mobilization on 30 September 1934." (PE 716). It begins with the statement:

"With the foundation of the Reich Defense Council, and of its permanent committee, the Reich Ministry of Economics had been charged with the mobilization of economic preparation for war. * * * The importance of this task really ought not to require any further explanation. The terrible consequences in the lack of any economic war preparations in the (first) World War was still vividly remembered. * * * At first a uniform conception of the whole economic political situation was lacking; this only emerged gradually. * * * In the autumn of 1916, the lack of a thoroughly considered plan for preparing the war economy made itself felt in a detrimental way. There are natural limitations to war economy. * * * These limitations result from the amount of raw materials available either from our own production or from imports and from production capacity of the factories." (Emphasis supplied; PE 716, supra, at p. 2).

(14) After detailing the mistakes made by Germany in World War I, in the economic mobilization field, the report continues:

"During the period since the (first) World War, several factors have arisen which have increased the need for economic preparation for war for Germany." (PE 716, supra, at p. 2).

3 See testimony of witness Elias (Tr. 1348) on the technical aspects, showing how the hydrogenation process was the common element for the production of fuels, rubber, and intermediates for explosives and chemical warfare agents.

and makes recommendations so that:

"The economic armament will at least not lag behind the limited military armament." (at p. 3). * * * The Reich Ministry of Economics is in charge of industrial economy, with the exception of the production of military equipment proper, for which the Wehrmacht authorities are responsible. In case of emergency, this production naturally takes up the major part of the manufacture of finished industrial products; but as it is the task of the Reich Minister of Economics to make available all raw materials and semi-finished products necessary for the production of military equipment, * * * this task remains large and important enough. This division of tasks, because of the close connection between them, requires the personal and material collaboration between the responsible authorities on either side (Reich Ministry of Economics, Army Ordnance, Reich Air Ministry). To have brought about this collaboration was an important result of the work done during the first year. Its importance with regard to the smooth functioning of the measures prepared in case of emergency cannot be overestimated. The technical and personal collaboration between the Ministry of Economics and the Army Ordnance Office was particularly close, especially in the excellent preparatory work of the Army Ordnance Office, in the sphere of raw materials particularly."⁴(PE 716, supra, at p. 3, 4).

(15) We shall now refer to some specific matters outlined in this early economic mobilization blueprint and show how in each succeeding economic mobilization plan, these fields of activity were intensified. The September, 1934, plan taking account of the foreign currency situation, proposed stockpiling. Thus the report states:

"The growing deterioration of the foreign currency position made it impossible to execute all those plans which required immediate expenditure of foreign currency, for example, the additional stockpiling of nickel, metals for steel tempering, rubber and other foreign raw materials. * * * Under prevailing conditions, additional raw materials can only be stockpiled in exceptional cases." (PE 716, supra, at p. 6).⁵

4 The conferences during this early period between Farben officials and Army Ordnance, the Air Ministry, and Ministry of Economics, take on special significance in view of the above. As the report remarks: "Years will be required to prepare for such a thorough economic mobilization." (PE 716, supra, at p. 5). The years in which these defendants were engaged in this task cover the period from 1933 through 1939. Note too the reference in the report to method of operation, namely, "Finally the compelling necessity of camouflaging the entire work tends to render this work considerably more difficult. * * * Explicit instructions in writing have to be replaced by lengthy verbal discussions, and special precautions and reserve are frequently necessary when persons have to be selected for confidential employment or when members of the business world lend us their assistance." (PE 716, supra, at p. 7)

5 Compare Farben's performance in the fields; nickel (PE 722, PE 683; see Von Knieriem brief); rubber (PE 95, 105, 545; see Ter Meer brief; tungsten, etc. (PE 724).

(15) In reporting on specific fields of activity, the report states (PE 716 at p. 8):

"As to the branches of production vital to the war effort and public life, the statistical investigations on plants and production have clarified the question of location.

"Based on the knowledge of critical danger points, * * * a number of measures have been introduced to overcome the most urgent difficulties: (1) The possibility of making a sufficient quantity of highly concentrated nitric acid available is a prerequisite for the production of explosives and ammunition. * * * After several months of planning the construction of such a plant, * * * it was possible to start in June of this year at Doberitz." (at p. 9).⁶

Passing to another field, the report states (at p. 9):

"Influence brought to bear on Farben secured the transfer of the production of ferrous wolfram (tungsten), hitherto exclusively located in the danger zone (near Aix-la-Chapelle) to central Germany as from 1 January 1935. This concern is at the same time building a reserve plant of considerable size. * * * The same concern is extending its installations for the production of ferrous molybdenum."⁷

(17) As regards rubber, the report refers to the planned construction of new plants, and "the sites for these plants are being chosen with regard to military policies." (PE 716, supra, at p. 10).

(18) In the economic mobilization for explosives, the report refers to (p. 10) "storing of 2,500 tons of pure toluol" to "assure the production of trinitrotoluol" for new processes for production of glycerine;⁸ and to raw materials for sulphuric acid, namely (p. 10):

"(9) Pyrites are the basic raw material of sulphuric acid which is an indispensable chemical intermediate product. * * * The I. G. Farben has been induced to complete the stockpiling of an additional amount of pyrites. * * * Furthermore the conversion of a large plant of this concern to the production of sulphuric acid from gypsum is going to bring considerable relief in this respect."⁹

⁶ This is a Farben plant, to which was added the WIFO extension. (PE 47; PE 391, at p. 51)

⁷ The developments during this period in the Bitterfeld, (PE 1815) Aken, and Stassfurt plants, coincide with the above. See discussion on light metals, post Sub. D).

⁸ In these fields, Ambros was later particularly active on the technical side.

⁹ This is a field in which Wurster was particularly active on the technical side.

(19) As regards gasoline, the report states (PE 716, p. 11):

"The extraordinary significance of motor fuel supplies is the result of the increasing motorization of the Wehrmacht, the growing importance of a German air force, almost unlimited in its future development. * * * Among all the raw materials under consideration, the motor fuel furthermore holds a distinctive position, because it needs to be immediately available for the conduct of the war. * * * The supply of special gasoline for airplanes can at present only be guaranteed by accumulated stores, but so far this has been met with only negligible success. * * * So far the increase in production at Leuna from hitherto 100,000 tons to a total of 300,000 tons in the future has actually been realized." 10

(20) Finally, this early blueprint of economic mobilization for war refers to the future preparation and planning which was to involve the defendant Krauch directly. Thus, the report states (p. 10):

"Since the appointment of a commissioner in charge of raw materials at the Reich Ministry of Economics, the work of the Raw Materials Committee is being conducted in a close collaboration with him. The investigations made and the measures taken by the Commissioner for Raw Materials in order to increase the supply of our raw materials by home production, as well as to promote the manufacture of substitutes and synthetic materials, are of direct benefit to our war economic preparations."

10 The above sheds light on the purpose of the extension of the synthetic gasoline production at Leuna. It should be noted that the U. S. Strategic Bombing Survey actually found synthetic gasoline to be the most important target, and shortly after this mobilization report for the period 1934, came Goering's remark in 1935: "With a thorough mobilization of the Army and Navy, the whole conduct of war depends upon this (gasoline)." (PE 400). (Compare Preliminary Memorandum Brief, Part I, pp. 33-36).

A report of the Reich Department for Economic Development, dated October, 1934, shows in more detail the steps taken with respect to synthetic gasoline. Thus (PE 516) detailed production figures for the different grades of oil are set forth for the "A-Case" and the extent of the expenditures for the expansion of facilities are set forth in substantial detail. (See pages 6 through 8 for the summary of the planning in this sector). Compare also PE 517 of the meeting in October, 1934, between Krauch, Schnelder, and Bueteleisch, and General Bockelberg, Chief of Army Ordnance, where the details of the syntheses of hydrogenation at Leuna are explained, in their relation to synthetic gasoline. The "needs of aviation are especially dealt with" and it was agreed that "the special technical and technological work will be carried out in Ludwigshafen and Leuna. * * * The directions of the I. G. will be followed as to the direction of the works. All the knowledge and experience of the corresponding experimental and manufacturing plants of I. G. will be utilized." (PE 517, supra, at p. 2, 3).

(21) The next important stage of the economic mobilization planning occurred in April, 1936, when Goering was appointed Coordinator for Raw Materials and Foreign Exchange.¹¹ The following month, May, 1936, the defendant Krauch was appointed to Goering's staff in the Raw Materials Office and was put in charge of the Section for Research and Development (PE 426). He brought with him as his assistant, Dr. Ritter, from Farben, who had theretofore been in charge of Vermittlungsstelle W for Sparte I (PE 2301, at p. 5).¹²

(22) On 26 May 1936, the defendant Schmitz, as a member of Goering's Committee of Experts, attended a meeting in Goering's Office in which the importance of the production of synthetic gasoline and rubber for the "conduct of war" was discussed. (PE 400, pp. 16, 18). "Rubber", said Goering, "is our weakest point, and all preparations must be made for the A-Ges to safeguard the supply of the wartime army." The next day, on 27 May 1936, Goering informed the War Minister, the Minister of Economics, the Finance Minister, and the President of the Reichsbank, among others, that he "opposed any financial limitation of war production, and all measures are to be considered from the standpoint of an assured waging of war." (IMT Judgment, Vol. I, p. 182; see also PE 401). Two months later, Hitler wrote to Goering outlining the basis of the Four Year Plan (PE 411).¹³

11 Compare IMT Judgment, Vol. I, p. 182: "It was necessary to lay a secure financial foundation for the building of armaments, and in April, 1936, the defendant Goering was appointed Coordinator for Raw Materials and Foreign Exchange, and empowered to supervise all State and Party activities in these fields. In this capacity he brought together the War Minister, the Minister of Economics, the Reich Finance Minister, the President of the Reichsbank, and the Prussian Finance Minister, to discuss problems connected with war mobilization."

12 We shall have occasion to refer again to Dr. Ritter's testimony (Tr. 9308).

13 See Preliminary Memorandum Brief, Part I, p. 19.

The next month, September, 1936, Hitler announced the establishment of the Four Year Plan and the appointment of Goering as Plenipotentiary General in charge. (INT Judgment, Vol. I, p. 182; Compare PE 412). Krauch moved into the Office of the Four Year Plan (Tr. 5075).

(23) On 7 October 1936, the defendant Bueckelisch attended a conference with members of the Raw Material Staff, in which the government oil program in relation to the Four Year Plan was discussed (PE 414). Shortly thereafter, on 12 October 1936, Jaehne and Lautenschlaeger in a meeting of the Technical Committee at Frankfurt, discussed the details of the production of gasoline, rubber, and artificial fiber under the Four Year Plan (PE 529).¹⁴ On 17 October 1936, the defendant Schmitz reported to the Aufsichtsrat on "the great tasks which Farben has with regard to raw materials in the Four Year Plan as announced by the Fuehrer." (PE 530).

(24) On 6 January 1937, Krauch's Office for Raw Materials and Synthetics held a conference with representatives of the Military Economy Staff of the War Ministry, the Army Ordnance, the Air Ministry, and representatives of the Navy, in which they discussed: (1) plants to be set up for the production of gunpowder and explosives; (2) stockpiling of finished gunpowder and explosives; (3) stockpiling of preliminary products and organic basic materials such as nitrocellulose paper, diglycol, etc. for one year; (4) plants for the production of chemical warfare agents; (5) stockpiling of chemical warfare agents; (6) stockpiling of preliminary products for chemical warfare agents; (7) stockpiling of isocyanate; (8) selection of storage sites for thiodiglycol and related intermediates; (9) selection of sites for stockpiling diglycol, ammonia, nitric acid, formaldehyde, hexogen, etc. (PE 717).¹⁵

¹⁴ With respect to artificial fiber, it should be noted that this document indicates the increase in production of artificial fiber was taken in connection with the Four Year Plan. Gajewski, on the witness stand, denied that his plants had anything to do with the Four Year Plan.

¹⁵ The fields listed above related to the special fields in which Farben was participating and in which they participated further.

¹⁴ With respect to artificial fiber, it should be noted that this document indicates the increase in production of artificial

(25) We look back at Farben's performance at the end of the year 1936 as reported by the Reich Office for Military Economic Planning.¹⁶ Thus, PE 1817 shows that of a total of four plants producing trinitrotoluene, three were from the Dynamit A.G. (p. 3). The report, in regard to mononitrotoluene, states:

"About 90% (of mononitrotoluene) goes into the production of trinitrotoluene, * * * and the explosives factories consume 95% of the domestic production."

(26) Of the listed plants which produced mononitrotoluene, 99.6% was the production of Farben plants. (at p. 4). The details as to the Farben and DAG plants producing gunpowder and explosives, and the intermediate products for such production, are set forth in this report (PE 1817) and show that over 90% of the production in this field was by Farben and Dynamit A.G. To mention the more important intermediates used in the production of gunpowder, we refer to the stabilizer, penta erythrite. Farben in 1936 produced 74% of the penta erythrite of Germany and of its sales in the home market of 338 tons, 292 tons or 86% went to the explosives plants. (at p. 15). Of the production of nitrocellulose in 1936, 89.3% went to the production of gunpowder and explosives. (p. 17). Of the Farben production (including BASAG, DAG, and Wolff and Co.), 96.3% went to the production of gunpowder and explosives (p. 16). In 1936, the only producer of nitrodiglycol was the Dynamit A.G. plant at Kruemmel (at p. 23). The diglycol which the DAG Kruemmel plant received to produce nitrodiglycol came exclusively from Farben at Wolfen and Ludwigshafen, and the report states: "The production of

16 Its performance, we suggest, should be judged in the light of the following public events which had occurred in the meantime, namely, in March, 1936, Goering announced Germany was building a military air force; on 21 May 1936, compulsory military service was instituted with an army of 500,000 men, and at the same time Hitler announced his intention to respect the territorial limitations of the Versailles Treaty. In March, 1936, the demilitarized zone of the Rhineland was entered by German troops and Hitler then announced: "We have no territorial claims to make in Europe." (INT Judgment, Vol. I, pp. 184-186).

diglycol in 1936 is carried out exclusively in Ludwigshafen." (at p. 24).

(27) In 1937, production of the Wolfen plant exceeded that of Ludwigshafen, and between the two plants, 100% of Germany's diglycol was covered. (PE 1817, at p. 24). Practically 100% of the total production of diglycol in 1937 was sold to the explosives plants for the manufacture of nitrodiglycol (p. 24).¹⁷ Stabilizers (produced only by Farben plants, PE 612, 615), are shown as having been consumed in 1936 by the explosives firms of WABAG (p. 25). This report also refers to the production for the year 1937, and with respect to nitrodiglycol, the increase of production over the year 1936 was 98% (p. 31), and the charts show the predominance of the Farben subsidiaries in the use of the various intermediates for explosives.

(28) The year 1937 shows the further planning in the economic mobilization for war. In March, 1937, Hitler made a speech on the Four Year Plan to the effect that in two or three years Germany will be self-sufficient in gasoline and

17 Despite these figures in the official reports of the military planning agencies, the defendant Ambros continuously referred to the abstract chemical composition and uses to which diglycol could be put, and his entire defense took on a technical aspect as to the general uses to which diglycol could be put. He carefully evaded the issue as to whether he knew that the particular product was being produced expressly for gunpowder, explosives, and chemical warfare agents. In view of the relationship between Farben and DAG (discussed, post. Sub. E) and of the fact that Farben was the sole producer of diglycol, the production of which was expanded in 1936, it is difficult to believe that he did not know the intended and actual use of diglycol. Compare further reference in his individual brief.

rubber (PE 531; PE 21).¹⁸ In May, 1937, the "Bible" of the Four Year Plan, i.e., the details as to expansion of facilities and production, was prepared (PE 427).¹⁹ Goering approved of this plan and Krauch²⁰ particularly initiated and approved the pages

18 Schacht was already out of the picture at this time, for on 22 February 1937, General von Blomberg, Commander-in-Chief of the Armed Forces, wrote to Hitler, stating: "Dr. Schacht has notified me that he is not acting in his capacity as Plenipotentiary (for War Economy) for the time being, since in his opinion there is existing a conflict between the powers conferred upon him and those of General Goering. Because of this, the preparatory mobilization steps in the economic field are delayed.

"For the purpose of clarification, may I point out that in my opinion, there is no overlapping in the realm of economic mobilization between the work of General Goering, as head of the Four Year Plan, and that of the Plenipotentiary for War Economy.

"The Four Year Plan has as its object, with regard to economic rearrangement, to clear all bottlenecks within this program now, i.e., in time of peace. Especially the proposals to secure Germany's own needs for ore, fuel, and rubber are of great significance from the point of view of war economy." (PE 416).

With Schacht out of the mobilization planning in the economic field referred to, Krauch stepped in. (Cf. PE 700, where the Chief of the Chemistry Department in the Reich Ministry of Economics stated: "Schacht, in 1936, told me repeatedly that he warned I. G., i.e., Schmitz, as well as von Schnitzler, not to take part in the Four Year Plan projects.")

19 This is the exhibit containing photostats of charts and figures in the different specialized fields, about which the witness Hagert was cross-examined by the Defense. (Tr. 1463, at sec.)

20 Ter Meer, on the witness stand (Tr. 7117) undertook to explain why Farben took the initiative in supporting the expansion program of the Four Year Plan, in contrast to the refusal of the iron and steel industry to cooperate, by indicating that steel people felt that economically the huge capital investments demanded would be too risky for peacetime needs. He stated: "It is true that the iron and steel industry in the Rhine and the Ruhr was not prepared to participate when the Hermann-Goering-Werke set up an iron and steel industry in central Germany. This did not seem good business to them because a rather large new iron capacity had to be erected at higher prices than iron could be produced at the Ruhr, from Swedish ore. The time might come when new plants would have no work, and since their products were more expensive than that of the industry, they might be closed; and the iron industrialists did not want to get into that risky business, and that is why the Hermann-Goering-Werke, a state plant, was set up." Compare PE 682.

Shortly after Krauch joined the Four Year Plan, the immediate planning for the short period, from October, 1936, to May, 1937, for all of German industry, (the plan immediately preceding the "Bible"), shows that of the total capital investments under that short plan, 66.5% was earmarked for Farben projects. (PE 429, referring to p. 27 of PE 427; see also Tr. p. 1496).

which dealt with the planning in the sectors in which Farben specialized.²¹ This detailed planning covered the years 1936 through 1940, inclusive, and for each of those years, there was indicated for each sector, (1) the number of plants in existence and the number to be expanded and constructed, and the time within which the expansion or construction was to be completed; (2) the estimated production for the existing plants for the years in question was listed, together with the estimated production for the new facilities, and (3) the cost for such capital expansions, broken down for each year.

(29) Dr. Ritter, who joined Krauch's Office in May, 1936, (after having been with Farben since 1926, Tr. 9308), testified that Krauch discussed the planning in these specialized fields with Farben and Farben had first option in the projects under the Four Year Plan (Tr. 9309-9311). This exhibit indicates the extent of Farben's participation in the

21 These sectors covered: textiles (rayon, fibers, etc., p. 3a-3i); lead (p. 4a); zinc, copper, molybdenum, and nickel (p. 4d); aluminum (p. 4b-4h); magnesium (p. 4i); iron and steel (p. 5a); the fatless detergents (p. 6); tanning agents (p. 7); carbon black (p. 8a-8b); dyes (p. 10a-10b); plastics (p. 12); mineral oil (p. 16w-16z); raw material economy (p. 17b); building and plastic material (17c-17h); alcohol (p. 17i-17k); fiber (p. 17e-17m); chemistry (sulphuric acid, nitric acid, preliminary powders, preliminary products for powder, explosives, and chemical warfare agents in standby plants, etc; p. 20a-20p); substitute materials (p. 24a-24c). The original of this exhibit, filed with the Secretary General, which is a photostet in German, shows Krauch's initials at the bottom of the sheet under Department III. The photostet submitted to the Tribunal for its use is the translation from the German and Krauch's initials were not carried over.

economic and industrial mobilization planning.²²

(30) In this plan for economic mobilization within the entire chemical field (excluding mineral oil), Farben was earmarked for the lion's share, namely, 85% of all the planned expansions. (PE 429; PE 428; see Hagert's testimony, Tr. 1483, et seq.). In the mineral oil sector, including plants which were Reich owned but operated by Farben or its licensees, the allocation was 90%. For synthetic rubber, the allocation was

22 The sectors to which we direct special attention are: In the field of cellulose wood, (Sperto III, Gajewski's field), Farben plants to be enlarged from 1936 through 1938 are indicated (at p. 3c); in the field of magnesium, the estimated production of the Farben plants was deemed sufficient until 1938, in view of the construction of the new plants after 1934 of Aken and Stessfurth, and of the expansion of the facilities at Bitterfeld (at p. 4i); in the field of fatless detergents, the expansion of the Schkopau and Hoechst plants for 1937 through 1938 is indicated (p. 6); the increase of production facilities in synthetic tanning agents at Leverkusen for 1937 through 1938 is indicated (at p. 7); the planning in the synthetic rubber sector referring to Schkopau and foreshadowing the construction of Huels, Furstenberg, and Auschwitz are indicated (p. 10a); the expansion of the facilities at Ludwigshafen, Bitterfeld, and Schkopau for preliminary products from chlorine is indicated (p. 12); the extension of facilities for Schkopau, Trostberg, Hoechst, and Ludwigshafen for 1937 through 1938 in the field of carbide alcohol is indicated and it is noted that prior to 1936, there was substantially no production of this product in Germany and that the production of this intermediate was intended for the "KOB case" (p. 13); in the mineral oil (synthetic gasoline) field, the dominance of Farben is shown and the witness Hagert, from the Reich Group Chemistry, testified that the planning in this field related to plants owned by Farben and plants operated by Farben or its licensees, amounted to 90%. (PE 51; see Tr. 1480, et seq.). In connection with the construction of sulphuric acid plants, the planning notes extensive expansions of Ludwigshafen, Leverkusen, Hoechst, and the reference that the deficiencies in the higher production of sulphuric acid would be met by construction of gypsum sulphuric plants (p. 20c). In the field of highly concentrated nitric acid, the extent of the planning is indicated and the fact that from 1937 through 1939, the plants would be constructed through Reich funds (p. 20d). Details for the additional facilities in the particular fields of inorganic and organic chemistry are shown on pages 20f through 20i. In the field of preliminary products for powder, explosives, and chemical warfare agents, plant expansion was worked out with the Army Ordnance Office and covered the period 1937 to 1940 (p. 20k through 20m). The planning of additional facilities for diglycol and thiodiglycol as preliminary products for chemical warfare agents and explosives, as for the years 1937 through 1939, is indicated (p. 20n through 20p).

100%;²³ for preliminary products and explosives and chemical warfare agents, the allocation was 100%; for highly critical preliminary products, such as diglycol and thiodiglycol, the allocation was 100%; methanol and ammonia (nitrogen), 100%. (PE 428; see also Elias testimony, Tr. 1348, et seq.).

(31) This is the overall planning in the Four Year Plan in which Farben participated with Krauch. The invasion of Poland took place before the plans were fully executed. What we call attention to is knowledge of the plans and their participation in the preparation thereof.²⁴

(32) We shall now proceed to show that the plant expansions which were actually undertaken by Farben were in accordance with planning as indicated in the "Bible".

(33) Farben expenditures and capital improvements for the year 1936 to 1937 rose from 42.7 million RM to 96.3 million RM. In this the entire Vorstand participated. The expansion of capital facilities for Farben subsidiaries for the same year rose from 10.8 million RM to 35.7 million RM. (PE 684; PE 685). For the year 1938 when specific aggressive acts had already occurred, we find Farben's capital expansions reaching an all-time high, namely, 400,000,000 RM. (PE 684).²⁵

23 Two weeks after the "Bible" was approved by Goering, Tor Kier, on behalf of Farben, wrote Goering stating: "We are willing to sign contracts of license, each for the period of ten years, with further bonus plants to be established within the Four Year Plan." (PE 557).

24 In August, 1937, shortly after the promulgation of the "Bible", Krauch, seeking to utilize the technical and scientific personnel for the execution of the Four Year Plan, stated: "The economic progress achieved by the National Socialist leadership and rearmament has absorbed for practical ends, all that was available in the field of technical and chemical training." (PE 22, at p. 2). See also PE 553, where Krauch stated that due to the fact that there was "for the first time, a technical-minded agency (set up) closely connected with the Party and the Government, the research and development questions have been handled for all the fields of raw materials, and it was possible to develop a plan for the industrial production of the new German raw materials and synthetics, coordinated with the various fields and taking into consideration the extensive interlocking in the field of chemical syntheses, particularly, which corresponded to the directives given by the Fuehrer's Plenipotentiary for the Four Year Plan." (at p. 2).

25 Compare discussion in Preliminary Memorandum Brief, Part I, re plant facilities, at pp. 41-44.

(34) As we look back at the year 1937 we see the extent of actual performance on the part of Farben as reported by official government agencies. Progress made in the synthetic gasoline field is reviewed in 1937 by government officials, (PE 540),²⁶ and they stated, among other things:

"The German nation is indebted to those men who tackled the problem of the transformation of coal into oils at a time already when, from the economic point of view, the idea of a large scale industrial realization of this problem was still unthinkable." (PE 540, supra, at p. 3).

(35) In October, 1937, Krauch's Office for Raw and Synthetic Materials prepared a report which was submitted to Goering setting out the results under the Four Year Plan during the year 1937 (PE 130). Reference is made there to the origin of the Four Year Plan as being, among other things, "ascertaining requirements for peace and war." (p. 2). In discussing the ways to meet the demands without resorting to imports, the report states that there was the "closest possible cooperation with the Reich and Party offices concerned, and in particular, with the industrial economy which cannot be dispensed with in carrying this out." In the margin of the document, referring to cooperation with industrial economy, is the handwritten note, "I. G. Farben." (p. 2).²⁷ This report of Krauch's Office shows how it conforms to the overall report by the Plenipotentiary for War Economy on the preparation of economic mobilization as of the end of 1937, (PE 719), which also begins with: "The Task. In War - In Peace." (p. 2). Then follows a detailed plan for the mobilization for the industrial war economy. In connection with those plans, the report states:

26 The author of this report, Eoppenberg, was the person who wrote the minutes of the meeting in October, 1934, when Krauch, Schneider, and Buetefisch discussed with the Chief of Army Ordnance, the details in connection with synthetic gasoline. (PE 517).

27 This, we suggest, is further evidence of the fact that Farben participated in the planning in connection with the Four Year Plan.

"* * * The needs of the Armed Forces and the civilian minimum needs in wartime are compared, with the covering thereof, by supplies and production. A deficit will be reported to the Office for German Raw and Synthetic Materials and be considered in the execution of the Four Year Plan. In addition, it will be registered as import needs in the foreign trade plan which are worked out by the War Economy Division of the Reich Ministry for Economy in cooperation with economic groups of the organization of the industrial economy. * * * For East Russia, special economic plans are being worked out." (at p. 5).

In reporting the mobilization of the industrial economy for war, the report refers to the construction of storage facilities and plant facilities, and particular reference is made to capacities and production for nitric acid, concentrated sulphuric acid (oleum), carbide alcohol, aluminum, and various types of synthetic gasoline and oil. (at pp. 7-8).²⁸

(36) 1938 was the critical year. The aggression against Austria in March of that year necessitated a re-examination of earlier plans, and to the extent that they lagged behind the new demands which the government's foreign policy required, they were revised to conform to the more pressing needs to support the policy of aggression.²⁹ Less than a month after the invasion of Austria, namely, on 8 April 1938, the Reich Office for Economic Development (Krauch) prepared a report on "Assuring of Mobilization Provisioning by Stockpiling" (PE 718), which was forwarded to Goering's Deputy under the Four Year Plan (State Secretary Koerner), and certain technical people in the military staff of the Four Year Plan. Here, in a top secret report, the results of an investigation of the industrial economy was made and the recommendations "to assure the mobilization provisioning by additional imports

28 There is considerable discussion in this document of mobilization measures, particularly the allocation of manpower to industries essential to war, (p. 15-17), and we suggest that the nature of the various mobilization preparations of the Farben plants, not only with respect to its production, but with respect to allocation of its manpower be considered in the light of this document. Compare the mobilization planning of this document to that of 1934. (PE 716).

29 A month before the aggression against Austria, Goering persuaded Hitler to reorganize the Reich agencies so as to give Goering, as head of the Four Year Plan, supreme authority over the entire economy. (PE 433).

and stockpiling of vital raw material," were set forth. Details for the "first mobilization year" and additional stockpiling for the "second mobilization year" were discussed, and the significant statements appear in the report that "the additional mobilization requirement because of the Anschluss of Austria have not been taken particularly into account. Since they will be about 10%, they are about equal to the margin of error of the total statements regarding the mobilization requirements. The effects on domestic production because of the inclusion of the Austrian economic area have been taken into account in connection with the considerations" (at p. 3). The report particularly refers to the need for stockpiling of pyrites (raw material for sulphuric acid). (p. 4). With respect to rubber, the mobilization planning at this stage states:

"Here the latest mobilization requirement of 65,000 tons per year has been taken into account. The requirement of approximately 102,000 tons per year which was recently mentioned, has now been abandoned. Starting with the second year of mobilization, calculating from today, the production of buns will come very much into the picture." ³⁰ (p. 5).

The standard for the planning of this stage is indicated in the report as follows:

"In determining the mobilization gaps, the most unfavorable case was assumed, namely, that Germany, in case of mobilization, has no imports whatever and is dependant only on its own production and on the supplies on hand." (at p. 7). ³¹

³⁰ We shall discuss these figures with respect to buns in more detail in connection with the brief on Ter Meer and Ambros. It is sufficient for present purposes to note that 65,000 tons was the mobilization figure, and Ter Meer sought to convey the idea that the civilian consumption (and he emphasized civilian) was 100,000 tons per year. (Tr. 6998).

³¹ The author of this document is probably Dr. Ritter, Krauch's assistant, as he is listed as the first recipient of the six copies of this report that was prepared. Krauch, of course, got a copy too.

(37) In June, 1938, Krauch conferred with Goering on the accelerated plans for the increase of production, especially in the fields of powder, explosives, and preliminary products. Krauch testified that Goering had told him that his information from General Keitel was that the Hindenburg program for the production of powder and explosives had been reached. The Hindenburg program was the highest production achieved by Germany in this field in the first World War. (Tr. 5092). Krauch informed Goering that:

"Keitel's opinion that the Hindenburg program had been achieved was not at all correct, since otherwise, the situation of the nitrogen industry, which was supplied for explosives, would have been quite different. * * * I got the figures from the nitrogen industry. I knew all the deliveries to the powder and explosives factories. It was discovered that only a fifth or a sixth of the Hindenburg production had been achieved in the year 1938 (Tr. 5092).³²

(38) As a result of Krauch's discussion with Goering, a new military economy production plan was prepared by Krauch on 12 July 1938³³ covering the fields of mineral oil (synthetic gasoline), rubber, light metals, gunpowder, explosives, chemical warfare agents, and preliminary products. (PE 442). New mobilization targets from the point of view of production were fixed for each of these fields; for synthetic gasoline, additional standby plants and storage facilities were mentioned (p. 2). For rubber, the prime mobilization target of 70,000 tons was increased to 120,000 tons per year, and additional facilities were to be constructed to meet these requirements. (p. 2). For light metals, expansion of Bitterfeld, in addition to the construction of a new plant, was recommended to meet the additional requirement (p. 3).

32. Buestefiech and Schneider, when they testified about the increased production of nitrogen, insisted that the production was for fertilizer. Here is Krauch's testimony that he knew from the nitrogen industry (Farben) of the deliveries to the explosives plants. We shall refer later to the nature of Ter Meer's testimony (Sub. C, post) that the increased nitrogen production was the same as that of 1929 and was for peacetime use for fertilizers.

33. An accelerated plan in the field of gunpowder, explosives, and chemical warfare agents was prepared by Krauch two weeks earlier (PE 439).

In the field of gunpowder, explosives, and chemical warfare agents, the plan provided for "the utmost acceleration of all building projects in these sectors, including the preliminary products. * * * The gunpowder and explosives plan can be achieved by the middle of 1941, the chemical warfare agents plan by the beginning of 1942." (p. 3).³⁴

(39) Three days after Krauch's new military economy production plan of 12 July 1938, commissions were given to Farben to carry out that plan in the chemical warfare agents and diglycol field. Thus, on 15 July 1938, commissions were given to I. G. for immediate expansion of diglycol production at Ludwigshafen, for increase of production capacity of diglycol at Wolfen, to speed up construction of diglycol at Schkopau, promotion and construction of diglycol plants at Huelo and Trostberg, assistance for increased production of ethylene oxide, to Orgeloid for expansion of Amendorf with arrangements for deliveries of ethylene oxide from Schkopau, for additional apparatus to Ludwigshafen for production of oxol, for construction of experimental apparatus at Ludwigshafen for intermediates of mustard gas, for experimental stations relating to mustard gas at Schkopau (PE 444, supra).³⁵ The day after these commissions were given to Farben, Goering had a conference with the Army Ordnance concerning Krauch's new production plan of 12 July 1938, in the explosives and chemical warfare agents field (PE 445). The same day, he informed the High Command of the Wehrmacht of his intentions to appoint a General Plenipotentiary to carry out that program. Five days

34 We are calling attention at this point to the planning feature of economic mobilization as against its execution. In this planning, the defendant Ambros conferred with Krauch as is shown by his letter of 27 June 1938 (PE 438), which preceded by three days the more specialized accelerated plans of June 30, 1938, for preliminary products in the field of gunpowder, explosives, and chemical warfare agents. (PE 439, 440).

35 These activities relate particularly to the field in which defendant Ambros was the technical expert. Cf. Sub. F, post.

later, on 21 July 1938, General Keitel transmitted to Goering a letter indicating his desire that the Chief of Army Ordnance be appointed to the position (PE 447). The very next day, on 22 July 1938, Krauch wrote Under-Secretary Koerner (for transmittal to Goering), a detailed reply to the objections of Keitel and the Army Ordnance (PE 448). In the course of this reply, Krauch stated:

* * * The development of processes and the creation of these materials (intermediate products for gunpowder and explosives) is the concern of industry. * * * The fertilizer nitrogen basis becomes at once, by its export decline in the case of mobilization, the backbone of the whole of the nitric acids and of ammonium nitrate. * * * 36 This applies particularly to the whole of the ethylene chemistry which is inextricably bound up through diglycol for gunpowder and the chemical warfare agents with the entire industry of the coking plants and mineral oil syntheses. * * * As far back as the end of 1936, (I) repeatedly directed the attention of the Wehrmacht to the urgent necessity of stockpiling. Already at that time, for example, I requested that considerable quantities of toluene be stockpiled for existing explosives factories. * * * I have laid down the Hindenburg program as a basis for comparison of the result reached because in the major campaigns of 1918, the peak consumption in one month almost reached the actual quantities required under the program. In my view the Hindenburg program only represents the lowest limit of requirements, since in the (first) World War, neither flak nor bombs played anything like the role that they have today. Furthermore, it is known to me that countries abroad, especially England and America, have been working out intensively for the last two years on the extension of the chemical warfare agents basis. * * * The Office for German Raw Materials and Synthetics in the middle of 1937 urgently took up the construction of four pentaerythrite plants without the necessary (financial) means having been first placed at their disposal. * * * The discussions which have recently been held with responsible persons of the branches of the industry concerned, have revealed that the method proposed by me will be particularly effective in achieving an acceleration of the production increase.***

36 Cf. affidavit of Jacobi that in 1938, "The German Nitrogen Syndicate advised the International Cartel that it could not deliver sufficient nitrogen to meet its full export quota." (PE 611).

37 Compare Ambros' letter to Krauch of 27 June 1938 (PE 438).

"The firms concerned are willingly prepared to assume the responsibility themselves for the quickest possible rush execution. * * * The industry has already undertaken to devote its best abilities to the carrying out of the task I should set them. * * * The production of gunpowder, explosives, and chemical warfare agents are chemical processes. They cannot, therefore, be treated as distinct from the rest of the chemical industry. I shall, of course, act in the closest cooperation with the Army Ordnance."³⁸

(40) As the result of Krauch's discussion with the Chief of Army Ordnance, the new Rush Plan in the powder, explosives, and chemical warfare agents field was worked out on 13 August 1938 (PE 449), and thereafter, on 22 August 1938, Krauch was put in charge of carrying that plan into execution (PE 453). The details of the plan are set forth in PE 449.³⁹ Shortly

38 Note the similarity between Krauch's emphasis on the intermediate products and the findings of the U. S. Strategic Bombing Survey, PE 616, 715, *supra*. Thus, PE 715 states: "The power and explosives industry was never selected as a specific target for systematic attack. * * * The crisis in powder and explosives arose from the shortage of basic materials, notably nitrogen and methanol, ~~wikken~~ ~~cut~~ off by the attacks on the synthetic oil plants, rather than by bombing of the industry itself." Compare also Krauch's testimony (Tr. 5089-5097), particularly the following: "Keitel told Goering that for those in charge of the Army, it was unbearable if a man of industry could obtain insight into the armament fields. It was impossible, he said, for a man from industry to have knowledge of how many divisions were being set up, what the plans were for setting up bomber squadrons. It was a simple calculation from the figures of explosives to be delivered to calculate how many bombs were to be dropped and how much artillery fire was to be expected. He, therefore, asked Goering to suggest a special Plenipotentiary General for this field in the person of the Chief of the Army Ordnance Office, General Becker. * * * Goering called me and advised me to talk with General Becker. * * * He asked me to reach an agreement with General Becker on a friendly basis. (Tr. 5096). Cf. Ritter's testimony (Tr. 9311) that Krauch's Office was working on FP (Production Plan) 63, at the time. This was the plan to equip 63 divisions on a war footing. (Ehmann, Tr. 5373); see also Zahn's (of Army Ordnance) testimony, (Tr. 11567, 11452-11455).

39 Compare also PE 452, particularly at pages 12, 13, where Krauch refers to discussions with the explosives firms, "DAG, Deutsche Sprengstoff Chemie, MASAG, and I. G., and the details of the status of the individual projects of DAG plants." Compare also the testimony of Schindler, chief engineer of Dynamit A.G., to the effect that he discussed with Krauch the details of the planning of the explosives program. (Tr. 12738). See the discussion also in this brief, post, relating to DAG in view of the repeated assertions of the Defense that they did not know anything about the activities of DAG and the other subsidiaries engaged in this field.

after the Munich crisis, a report was made by Krauch's Office as to the accomplishments under the new Four Year Plan as of 1 October 1938 (PE 449). Particular emphasis was laid on the fields of mineral oil, rubber, light metals, gunpowder, explosives, chemical warfare agents, and preliminary products (PE 449, supra, at p. 1). In referring to I. G. plants (at p. 6), the report states that the work "is proceeding according to schedule."

(41) The defense witness, Dr. Ritter, who was Krauch's deputy in the Office of the Four Year Plan, (Tr. 5242), testified that in the Office of the Plenipotentiary General for Chemistry, they were working on Production Plan 63 (Tr. 9311), which was the Army Ordnance plan for equipping 63 divisions. The plan was extended during this period for a minimum of 60 divisions and a maximum of 90 divisions, and Krauch's Office knew that they were working on meeting the demands of this plan. (Tr. 9321-9322).⁴⁰

(42) 1938 marks the year where again the plans heretofore made are re-examined in the light of the additional needs of the military. Thus, on 31 January 1938, Krauch prepared a report for Goering on the status of the mineral oil project, and he emphasized in his report that: "Mineral oil is just as important for modern warfare as airplanes, armored vehicles, ships, weapons, and munitions. * * * The 18 months plan as ordered in the Fuehrer's speech in October, 1936, for the expansion of the mineral oil production has not yet been reached by a long way."⁴¹ If far-reaching decisions are not made

40 Dr. Zahn, Chief of the Army Ordnance Section for gunpowder, explosives, and chemical warfare agents, testified that Production Plan 63 (FP 63) was an immediate plan and in 1938 when the Morinshell Plan was put into effect, that was the beginning of a long-time planning on top of the execution of the immediate production plan 63. (Tr. 11587; see also Tr. 11452-11455).

41 This remark is also contained in the memorandum drawn up by Krauch two weeks before (PE 537) and in that report, the additional "conclusion was made" that mineral oil "must, therefore, be taken into account in connection with total mobilization preparations, exactly as every other implement of war as regards financing and war materials." (at p. 3)

at once, which allow for the practical requirements, a complete failure of the future development of the mineral oil supply is to be expected." (PE 538). Two weeks before, namely, on 10 January 1939, Krauch prepared a memorandum which formed the basis of his report to Goering, and in that memorandum it is stated that: "The success of the armaments program with its high degree of motorization, depends to a very considerable extent on making the supply of mineral oil secure. The Plenipotentiary for Chemical Special Production, Dr. Krauch, has set up a mineral oil production plan which provides up to the end of 1943 for a total increase of mineral oil from 2,800,000 tons per year to 11,300,000 tons per year. * * * Particular significance attaches in this connection to the production of aviation motor fuels, on which the striking power of the Luftwaffe is dependent." (PE 537). The report then sets out specific recommendations for carrying this plan into effect, and concludes that: "The construction of mineral oil production plants would have, just as, for instance, in the case with bunkers, to stand in the very foremost position as regards urgency. * * *" (PE 537, at p. 3).

(43) Having looked after the urgency of the mineral oil program and bunkers, Krauch now turned his attention to explosives, chemical warfare agents, and its intermediates. On 9 February 1939, a top secret report is made by Krauch's office on the situation in the explosives field, and reference to that document discloses the extent of the Farben and Dynamit A.G. plants' participation in the program. The principal Farben plants are identified and the particular activity that they are engaged in is plainly indicated. The same report (p. 8, et seq.), gives the situation with respect to chemical warfare agents, and once again the preponderance of Farben in the planning and execution of this program is indicated.

(44) On 20 February 1939, another inspection tour was made to survey the situation in this field, and the individual

Farben and IAG plants participating in this program are set forth. (PE 609, supra, pp. 12-15).

(45) After the aggression against Czechoslovakia in March, 1939, in Bohemia and Moravia, Krauch's office again made a survey and report on the execution of the Rush Plan, and specific targets for gunpowder, explosives, and chemical warfare agents are re-examined in the light of the capacities and performance of industry. In this report in May, 1939, the details of the important intermediates for carrying out this program, are set forth, and the particular Farben plants engaged in the execution of this program are indicated (PE 609, supra, pp. 18-25, 32-33).

(46) This document sheds considerable light on the point whether or not Krauch knew of the nature and character of the preparations for aggressive war. On 27 February 1939, there was prepared a report, of which Dr. Ritter, Krauch's assistant, received three copies (only six were made) on the "Ways and Means of Estimating the German Extension Target for Gunpowder and High Explosives." (PE 609, pp. 26-31). This report states, among other things, "In order to get particulars for estimating future requirements, the individual users of gunpowder and high explosives within the Wehrmacht have been examined. The estimates are shown in the attached diagram. The left half of the diagram shows the gunpowder situation, the right half that of high explosives. Generally a probable minimum consumption figure was chosen for the individual graph curves (green lines) and contrasted with an estimated figure for very high requirements (red lines)."⁴² Then follows a detailed mathematical calculation of the amount of munitions needed by the various arms of the military, the amount of high explosives needed in the construction of the Westwall, for the Navy, for the Air Force, and for the armored troops. At

⁴² This chart is in evidence as PE 1923.

page 29 of this exhibit are reported the conclusions with respect to meeting the targets for the minimum assumed strength "of twenty corps of fighting troops" (a corps has three divisions--p. 26, supra), and the requirements for the maximum "for thirty corps of fighting troops." Finally, the conclusion is reached that: "On principle it can be stated that the German chemical industry has achieved a sufficiently high standard with regard to machinery and processes to deliver the basic materials and that the manufacturers of gunpowder and high explosives are able to finish the task." (p. 30).⁴³

(47) Shortly after the receipt of this report of 27 February 1939, Krauch told his assistant, Dr. Ritter, to prepare a survey of the progress made under the Kerschell Plan and that Krauch was to discuss the survey with the General Council. (Ritter's testimony, Tr. 9313). Accordingly, on 28 April 1939, a detailed report was prepared covering the fields discussed and detailed figures for additional expansions to meet the requirements were indicated. (PE 455). With respect to mineral oil, the report stated (PE 455, supra, p. 27): "As already pointed out, the mineral oil plan has to cover the full supply of aviation fuels for mobilization and must already permit of stockpiling in times of peace. In all other fields the shortage will last even longer, especially as to Diesel fuel and fuel oil * * * The economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oil and the newly and successfully taken-up contact with Southeastern Europe shows us the only and hopeful possibility to insure supplies for the mineral oil economy completely for many years by securing this area by means of the Wehrmacht."⁴⁴

43 Cf. Footnote 38, supra;--Krauch's testimony re Keitel "that it was a simple calculation from the figures of explosives to be delivered to calculate how many bombs were to be dropped, etc."

44 Compare testimony of Dr. Ritter with respect to this, Tr. 9318-9322, and PE 2300, PE 2301

(48) In the conclusion to this report of 28 April 1939, after discussing details of mineral oil, rubber, explosives, and chemical warfare agents, Krauch stated:

"When, on 30 June 1936, the objectives for the increased production in the spheres of work discussed here were given by the Field Marshal (Goering), it seemed as if the political leadership could determine independently the timing and the extent of the political revolution in Europe and could avoid a rupture with a group of powers under the leadership of Great Britain. Since March of this year, there is no longer any doubt that this hypothesis does not exist any more. The economic war against the anti-komintern powers under the leadership of Great Britain, France, and the United States, which has already been conducted secretly for a long time, has now been finally opened; as time passes it will become more and more severe.

"In Wilhelmshaven the Fuehrer expressed his determination not to remain passive in view of this policy of encirclement which, for the time being, is economic and political, but is aiming ultimately at military isolation. I am of the opinion that from this decision the necessary conclusions will have to be drawn without delay for the economic sphere of the chemical industry as well." (PE 455, supra, p. 48).

Then follows a discussion of the political situation and against the political alignments, Krauch makes specific recommendations in the fields of mineral oil, buna, light metals, gunpowder, explosives, and chemical warfare agents. (PE 455, p. 49-52).⁴⁵

45 In connection with the above, the Defense raised that the preparation was for "a defensive war", and we refer to Dr. Zehn's (chief of Army Ordnance Explosives and Chemical Warfare Agents Branch) concept of defensive war when he testified (Tr. 11609):

"Q. Now, Dr. Zehn, you testified with respect to production plan 63 which you said was in effect in 1936 and 1937, as being the short-range plan, and that in 1938, in addition to production plan 63, a long-range plan was in effect. Now you also stated that in 1938 and 1939, this preparation was insufficient for a major war. Did I correctly understand that to be your testimony?

A. I didn't speak of major war in that sense. * * * What I said was that, at least according to its sense, that what had been done up to then was inadequate or would not have been sufficient in the event of a major war.

Q. What do you mean by major war?

A. I want to say by that, that the small quantities produced at that time, one could have dealt with an enemy such as Poland, for instance, but not with other enemies."

Compare Krauch's testimony on his conversation with Goering in June, 1939, as to whether England or France would go to war if Poland were attacked. (Tr. 5142). Goering knew then that Poland would be attacked at the first suitable opportunity. (IMT, Vol. I, p. 200).

A. I want to say by that, that the small quantities produced at that time, one could have dealt with an

(49) On 17 August 1939 a last look is had at the status of the explosives and chemical warfare industry, and actual production of individual plants is checked, together with the plants supplying the intermediates needed for the production of the finished explosives and chemical warfare agents. (PE 610). This report and detailed compilation shows the individual DAG and subsidiary plants producing explosives, and the individual Farben plants supplying the intermediate products for the production of explosives and gunpowder.

(50) Krauch testified (PE 437, at p. 13) as follows:

"Q. Didn't it become apparent to you, first in 1936, when the Wehrmacht exhibited great interest in your bureau, and later after you assumed your job with the Four Year Plan in 1936, to increase the chemical capacity of Germany, that the Nazi Government was on the road to war?

A. I had the feeling that they were going to war, as Dr. Bosch told me in June, 1938, and that was when I went with the wrong figures of Loeb to Goering, and said to him, 'We can't go to war because the figures are all wrong. We will lose the war on this basis.'

Q. When the wrong figures which you submitted to Goering were corrected to the extent where they reached the level that Keitel earlier believed they were, then you must have believed that they were going to war?

A. I must say today, yes."

(51) With respect to the Four Year Plan, he testified (PE 437, at p. 18) as follows:

"Q. * * * Did you have occasion to inform your close colleagues in I. G. Farben as to the general nature, the overall goal of your work in the Four Year Plan, what your target was, in the real sense?

A. That I talked over with Geheimrat Schmitz with reference to long range goals of the Four Year Plan. I had talked with Dr. Bosch while he was alive much more concerning matters in the Four Year Plan."

(52) On the witness stand, Krauch explained this by saying:

"I meant, of course, long range aims affecting Farben directly; to what extent gasoline production in Farben, buna production in Farben, methanol, etc., was to be expanded. I assumed that it has been brought out on my examination that I avoided discussing with Farben people aims which affected other industries because I was trying to preserve my objectivity." (Tr. 5385).

(53) The nature of Farben's contribution in the preparation for war, is perhaps best illustrated by a statement of Funk in October, 1941 (who was then Minister of Economics and Plenipotentiary General for War Economy), made to the defendant Zuehne in the presence of military and government dignitaries. Zuehne reported that statement to Schultz as follows:

"At the conclusion of his lengthy statement, regarding which I hope I will once more be able to report to you in person, Herr Funk said the following:

"He felt compelled to refer to the remarks made by Herr Pleiger (Reich Coal Commissioner and member of Vorstand of Hermann Goering Works), and by me. Naturally coal, iron, guns, and procurement of raw materials were necessary for waging war and the importance of the industries must not be underestimated. However, one thing he must establish, without the German I. G. and its achievements, it would not have been possible to wage this war." You can imagine how I was overjoyed and expressed to Herr Funk my thanks in the name of the whole of I. G." (PE 2064).

(54) This is the planning for the economic mobilization for war, and the overall performance by Farben as shown by the official reports.

(55) We shall now discuss the evidence relating to the special fields: (1) synthetic gasoline, (2) synthetic rubber, (3) light metals, (4) explosives, (5) chemical warfare agents, and show how in each of these fields, these defendants, through the instrumentality of Farben, participated in the preparation for aggression.

B. SYNTHETIC GASOLINE

(56) The U. S. Strategic Bombing Survey (PE 715, at p. 4, 5, 13), states that from the military point of view, the synthetic gasoline industry of Germany was the prime target, and pointed out that the interlocking of the hydrogenation processes between synthetic gasoline, rubber, and the explosives intermediates, made the synthetic oil plants the

primary objective.⁴⁶

(57) The overall participation of the defendants in this program is developed in the Prosecution's Preliminary Memorandum Brief, Part I, pp. 35-36. It is necessary only to supplement that discussion.

(58) Krauch has stated (PE 13, p. 3): "It had almost been decided to give up Leuna in 1929 and 1930 in face of the enormous difficulties which had at that time arisen with regard to the gasoline manufacture."

(59) The expenditures in the development of the hydrogenation process were enormous and resulted in substantial net losses to Farben. (PE 522, 513, 31). The earliest official report appearing in the record dealing with economic mobilization for war (PE 716, compare Part II, A, pp. 4-8), states:

"The extraordinary significance of motor fuel supplies is the result of the increasing motorization of the Wehrmacht, the growing importance of a German air force, almost unlimited in its future development. * * * Among all the raw materials under consideration, the motor fuel further more holds a distinctive position, because it needs to be immediately available for the conduct of the war. * * * The supply of special gasoline for airplanes can at present only be guaranteed by accumulated stores, but so far this has been met with only negligible success. * * * So far the increase in production at Leuna from hitherto 100,000 tons to a total of 300,000 tons in the future has actually been realized."

(60) Other official government reports indicate the nature of Farben's activity in the expansion of the synthetic gasoline production. Thus, the Office of the Four Year Plan refers to this period in the following terms (PE 540, at p. 12):

46 Compare Part II, A, at p. 1-3. This interlocking was planned that way. See report of Major General Loeb in the Four Year Plan, 1938 (PE 534), which states: "Finally a short comment about the tie-up of the field of mineral oils and the modern chemical raw material syntheses. This plan, gigantic in its total extent, to rebuild the German mineral oil industry on the basis of German raw materials, is already beginning to have fructifying effects on all related branches of the economic syntheses." Cf. testimony of Elias (Tr. 1348).

"As very large quantities of capital are required for the construction of plants for the production of mineral oil from coal, great urging was necessary in the case of a few construction projects of recent years in order to stimulate private industry in this respect. In times of weak government leadership, the fact that foreign oil was obtainable on the other side of our customs boundaries, at a far lower price than it could have been produced from coal by us, must have had a very crippling effect on the initiative of our industry in this direction. As is known, the Fuehrer shortly after coming to power, already gave the impulse for the motorization of Germany, etc. (p. 12). * * * At the end of this first building up period of the German fuel industry, it must be noted with special recognition that the I. G. Farben had a great share in the meritorious work of speeding up this construction program." (p. 14).

(61) Another report from a German official source, by Major General Loeb, in 1938, describes the importance of synthetic gasoline in the military mobilization, and Farben's part therein. (PE 534). Thus, the report states:

"In the course of further development (of the mineral oil industry), it soon seemed intolerable that the motorization in the Wehrmacht and in the economy should continue to depend on foreign countries to the same extent as before. * * * Its industrial solution presented so many difficulties that it could not have been achieved in the ordinary manner by private industry itself within the period appropriate to the urgency of the problem and the vital national requirements. * * * This exceptional significance made it necessary to allot to the mineral oil industry a special place in the Four Year Plan." 47

(62) Notwithstanding the foregoing, the Defense have insisted that the expansion of the synthetic gasoline program followed normal increases in peacetime activity, and that normal commercial considerations were involved with respect to Farben participation in this program. Thus, the defendant

47 We have indicated that under the "Bible" of the Four Year Plan, Farben is allocated 90% of the expansion program, which includes expansion of synthetic gasoline plants to be financed by the Reich although operated by Farben and its licensees. (PE 427; see the cross-examination of the witness Hagert, Tr. 1463, et seq., and Part II, A, supra, Footnote 22.) Then follows a technical discussion as to the inter-relation between synthetic oil and the balance of the chemical mobilization in related fields. (at pp. 21-22).

Bueterfisch has introduced a chart (prepared by Dr. Hartmann, an Assistant Defense Counsel) purporting to show that in 1933 when Farben received guarantees from the Nazi Government which enabled it to embark on the extended production of synthetic gasoline, the cost of production of the synthetic gasoline was less than the cost of acquiring the gasoline from abroad. The chart, Bueterfisch Document 181, (see testimony of Dr. Hartmann, Tr. 13442-13446), shows for the year 1933 the cost of gasoline from abroad at 26 pfennigs a liter as against a cost to produce synthetic gasoline of 22 pfennigs.

(63) Cross-examination developed the breakdown of these cost figures and indicated that exclusive of German taxes, the cost in 1933 of gasoline from abroad was 6 pfennigs against the cost to produce synthetic gasoline at Leuna of 22 pfennigs. (Tr. 13443-13446).

(64) Methanol production relates to improving the quality of synthetic gasoline, as well as its uses in explosives. (Compare PE 591, chart of Reich Office of Economic Development). The Defense again, with respect to the production of methanol, sought to indicate that the increased production was part of the normal peacetime activities to satisfy the increased civilian demand for motorization, and in support thereof, they submitted charts and statistics (again by Dr. Hartmann, Assistant Defense Counsel), showing that the vast increase in production of methanol was for "motor fuel". On cross-examination, the witness admitted that within that classification was also included all methanol that went into the motor fuel used by the motorized Wehrmacht. (Tr. 13437-13442).⁴⁸

⁴⁸ Compare PE 523 relating to conferences between Farben officials and Army Ordnance Office where it was stressed that production of synthetic gasoline, methanol, and lubricating oils and related products were urgently needed "for the motorization of the Wehrmacht."

(65) Krauch's Office, in a report in January, 1939, stated:

"For the conduct of modern war, mineral oil is equally as important as aircraft, tanks, ships, weapons, and ammunition. It must, therefore, be taken into account in connection with the total mobilization preparations exactly as every other implement of war." (PE 537).⁴⁹

(66) On April 29, Krauch had prepared a survey of the planning in this sector, and the report submitted in connection therewith (PE 455, at p. 27) states:

"As already pointed out, the mineral oil plan has to cover the full supply of aviation fuels for mobilization and must already permit of stockpiling in times of peace. In all other fields, the shortage will last even longer, especially as to Diesel fuel and fuel oil. * * * The economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oil, and the newly and successfully taken up contact with Southeastern Europe shows us the only and hopeful possibility to insure supplies for the mineral oil economy completely for many years by securing this area by means of the Wehrmacht."⁵⁰

(67) It only remains to call attention to the fact that Farben's production of synthetic gasoline in 1932 was 102,000 tons; in 1935, it was 332,000 tons; in 1938 it was 380,000 tons; and in 1939, 400,000 tons. (PE 612). Its methanol production in 1932 was 13,700 tons, and it increased to 104,500 tons in 1937. (PE 612).⁵¹

(68) We need only to refer once more to the findings of the U. S. Strategic Bombing Survey to show how vital was Farben participation in the mobilization for aggressive war, through its activity in the synthetic gasoline program.

49 Compare also PE 400, p. 60, where a report is made to Goering in Schmitz's presence, stating: "The Leuna production has been concentrated more on German oils. * * * Meanwhile, the main supply must be provided by synthetic production", to which Goering emphasized that "in the A-Case, we would not under certain circumstances get a drop of oil from abroad. With the thorough motorization of the Army and Navy, the whole problem of conducting a war depends on this. All preparations must be made for the A-Case so that the supply of the wartime Army is safeguarded."

50 Compare Part II, A, Par. 47.

51 For a graphic illustration indicating the accelerated increase in production of these products, see PE 614.

(69) The activity of Farben in this sector extends from 1933 to the end of the war. The responsibility for its action is that of the entire Vorstand. There was special participation in particular phases of this field at various times by the defendants Krauch, Schmitz, Von Knieriem, Ter Meer, Schneider, Buettelisch, Jaehne, and Kuehne. The responsibility of these defendants relate to planning on the top level, planning at the plant level, execution of the plans with respect to expansion of plant facilities and production, and stockpiling both at the planning and executive level. In the individual briefs on the defendants, the particular role that each played in these special fields will be indicated.

C. SYNTHETIC RUBBER

(70) The U. S. Strategic Bombing Survey, in discussing the importance of synthetic rubber as a military target, stated that Germany "was dependent upon only three large and one small synthetic plant for her requirements." (PE 715, supra). These plants were all Farben, who was the only producer in Germany of synthetic rubber. (PE 658). The German military machine was wholly dependent on Farben in this field. (PE 615).

(71) The participation of Farben in the economic mobilization and preparation for war in this sector has been discussed in the Preliminary Memorandum Brief, Part I, pp. 36-37. Starting in 1935 with a production of 2,000 tons, Farben increased the production in 1937 to 3,500 tons, in 1938 to 5,700 tons, and in 1939 to 22,000 tons. (PE 612).⁵²

(72) On 26 May 1936, Schmitz attended a meeting with Goering's Committee of Experts where Goering stated: "Rubber is our weakest point. * * * All preparations must be made for the A-Case to safeguard the supply of the wartime Army." (PE 400).

⁵² The planning prior to 1 September 1939 called for production capacities of over 100,000 tons per year. The target date when the actual production was to coincide with the increase of facilities to meet the mobilization requirements, was later than 1939, and so actual production was behind the actual planning.

The next day, on May 27, the "Bible" of the Four Year Plan was issued and the increase of facilities for the production of synthetic rubber was indicated, with the entire program being delegated to Farben, (PE 428; see Part II, A, supra, Par. 30).

(73) Two weeks after the "Bible" was approved by Goering, Ter Meer wrote to Goering stating: "We are willing to sign contracts of license, each for the period of ten years, with further buna plants to be established within the Four Year Plan." In April, 1936, the foundation for the first buna plant at Schkopau was laid with a production capacity of 200 tons per month. (PE 55, 547). The site was chosen because of military considerations as it had to be constructed in a protected zone. (PE 556). At the time of Ter Meer's letter to Goering in June, 1936, the Reich military officials discussed with Farben an increase of Schkopau from 200 tons per month to 1,000 tons per month, and Farben agreed to make such additions. (PE 549). Ambros and Ter Meer knew in July, 1938, what the mobilization plan for the production of synthetic rubber was, (PE 1893, for Ambros wrote Ter Meer telling him that "the mobilization plan provides for a buna production of 100,000 tons per year by 1 July 1940, and the buna capacity of 120,000 tons per year by 1 July 1943. It is therefore agreed * * * that the capacities of Schkopau, Huelo, and Furstenberg be increased." (PE 1895, supra). In April, 1939, at the time of the invasion of Bohemia and Moravia in Czechoslovakia, it was agreed that because of "political reasons", technical changes for more economic production of buna could not be undertaken. (PE 1571).

(74) The nature of the defense has been that the increased expansion of the buna capacities and production were to supply a peacetime economy, and that Farben participation in the program was dictated entirely by considerations of private economy. To sustain that defense, they argue that

peacetime demands for rubber were 100,000 tons per year, consequently, the planning to increase capacity to that figure had no military connection. (Tr. 6996-7012).

(75) The total peacetime requirements of the Army had been estimated in 1935 at 50 tons per month (600 tons per year), (PE 95), but beyond that, the official reports of government agencies engaged in military planning show that the increase in capacities for the production of synthetic rubber by Farben kept pace with the increased demands of the military for mobilization. Thus, a month after the invasion of Austria on 8 April 1938, a report was prepared by the Reich Office for Economic Development on "Assuring of Mobilization Provisioning by Stockpiling" (PE 718), and the report states that with respect to rubber, "The latest mobilization requirement of 65,000 tons per year has been taken into account. The requirement of approximately 102,000 tons per year, which was recently mentioned, has now been abandoned. Starting with the second year of mobilization, calculating from today, the production of buna will come very much into the picture." (at p. 5). Three months later, namely, in July, 1938, when the new military economy production plan was put into effect (PE 442), the mobilization target for rubber was increased from 70,000 tons per year to 120,000 tons per year and facilities to be enlarged or constructed to meet these requirements were indicated. (at p. 2). We have already indicated that at this time both Ambros and Ter Meer knew of the new mobilization requirements, and that they undertook the expansion of Farben plants in accordance therewith. (PE 1895).⁵³

(76) The Defense has also taken the position that there was nothing unusual in the expansion program since Farben had made very large capital investments in new plants in 1925 and 1926, and that in 1929 the amount it invested was as great as

⁵³ Ter Meer admitted that the planned expansion was related to the mobilization planning. (Tr. 7277).

the amount invested in 1938. (Ter Meer Exh. 37, Tr. 6813, 6817). They suggested, therefore, that the expenditures in the year 1926, 1927, and 1928 be taken as a norm against which their accelerated investments since 1933 be compared.⁵⁴ Dr. Struss, who prepared some of these charts for the Defense, admitted on cross-examination that 1929 could not be considered a normal year for Farben, and in addition, the huge expenditures for installations in 1926, 1927, and 1928 related to the high pressure hydrogenation investment in synthetic gasoline and hence could not be considered as a norm for Farben's investments. (Tr. 11298).⁵⁵

(77) The evidence fully establishes that Farben participated in the top level planning in connection with economic mobilization of the synthetic rubber industry, (particularly Krauch, Schmitz, Ter Meer, and Ambros), that the entire Vorstand, on the policy level, supported the program as related to Farben, and that at the technical level, Ter Meer and Ambros were particularly active. For further instances of the personal participation of the defendants, see the individual briefs.

54 See testimony of Elias (Tr. 1365) to the effect that the enormous cost of the synthetic rubber program could not be justified on any financial basis other than military considerations.

55 In connection with this same line of defense, Ter Meer submitted charts showing that the turn-over, i.e. sales measured by money received, was the same in 1939 as 1929, and from this they also argue that the production increase from 1933 to 1939 was nothing unusual. Cross-examination of Struss, who prepared these charts, brought out that if production was taken as the basis for comparison rather than turn-over and sales, the production increase during the period 1933 to 1939 was substantially greater than that of 1929. (Tr. 11301-11309). This comparison relates to all products other than the so-called strategic products which were especially developed by Farben since 1933, namely, synthetic rubber, synthetic gasoline, light metals, and synthetic rayon, for which no comparison could be made with 1929. (Tr. 11301). With respect to technical nitrogen, where on the basis of turn-over, the Defense sought to show the same turn-over in 1939 and in 1929, cross-examination developed that the production was in fact 5 times as high in 1939 as in 1929. (Tr. 11317, 11320).

D. LIGHT METALS

(78) The extent of Farben's participation in the economic mobilization for war in the field of light metals is discussed in the Prosecution's Preliminary Memorandum Brief, pages 38, 39. In 1932, Farben's magnesium production was 1,100 tons. In 1935 it was 11,600 tons, and in 1938, 13,000 tons. (PE 612).⁵⁶ Farben produced 88% of all magnesium in Germany. (PE 615).

(79) Prior to 1933, the only Farben plant producing magnesium was the Bitterfeld plant and it had a potential capacity of 2,000 tons. (Tr. 11863, 11864, testimony of Dr. Pistor, Defense affiant, retired Vorstand member of Farben.)⁵⁷ After Hitler came into power, the Bitterfeld capacity was expanded to 3,600 tons. (Tr. 11864).⁵⁸ In 1934, the Aken plant was constructed by Farben with a capacity for 12,000 tons of magnesium. (PE 58). This plant "was destined to contribute to the rebuilding of the German Wehrmacht" and the Vorstand approved of its construction with a knowledge of the foregoing purpose. (Tr. 11868). In 1935, the Stassfurth Plant for magnesium was constructed with a capacity of 4,200 tons. (PE 590). In 1937, the Teutschenthal plant was built by Farben for the production of magnesium, which was to supply the other two plants with the necessary raw materials for the production of magnesium. (Tr. 11869). All three plants were constructed for the purpose of furnishing the material for the rebuilding of the German Wehrmacht, and the Farben Vorstand approved of their construction with knowledge of this fact. (Tr. 11869).⁵⁹

56 For a graphic illustration indicating the accelerated production of these products, see PE 614.

57 Until Defense produced Dr. Pistor, the Prosecution referred to him as a "deceased" Vorstand member rather than "retired".

58 See PE 590 (at p. 14), a report by a Farben director showing that prior to the start of rearmament, "it was not possible to keep Bitterfeld plant working at full production."

59 See also PE 2007, 2008, 2009, 2010, and 2011.

(80) Responsibility of the entire Vorstand in this particular field is plain. To the extent that individual defendants participated additionally in any particular phase of this program, they will be indicated in the individual briefs of the defendants.

E. EXPLOSIVES

(81) In dealing with the subject of explosives, two fields of activities are involved, (1) the production of the intermediate products for explosives, and (2) the production of the finished product. The Defense have asserted that Farben did not manufacture gunpowder, explosives, or chemical warfare agents, but only intermediate products, which also had a peacetime use. Consequently, they argue, since they had no knowledge of the extent of the production in the explosives and related fields, they could not know the nature of the preparation for war.⁶⁰ The evidence shows that Farben knew its intermediate products went to the explosives firms,⁶¹ and because of the control that it exercised over the principal explosives producer, Dynamit A.G., it knew of the nature and extent of the production of gunpowder and explosives for war.

60 Compare the finding of the U. S. Strategic Bombing Survey, PE 715, supra, at p. 13-n, stating that they did not have to bomb the explosives industry itself, because by concentrating their targets on the chemistry industry that produced intermediates, they got at the important military objective.

61 In the individual brief on the defendant Ambros, and in the subject matter of the planning in which Krauch participated, supra, Part II, A, this field of intermediate production is developed in full detail.

FARBEN'S RELATIONSHIP TO DYNAMIT A. G.⁶²

(82) Farben subsidiaries⁶³ produced, according to the testimony of the defendants' own expert, 86.5% of all the gunpowder used in Germany from 1930 to 1944, (testimony of Schindler, Chief Engineer of Dynamit A.G., Tr. 12753), and 92% of all the explosives used in Germany during the same period (Tr. 12717). When Defense Counsel suggested that the inclusion of the war years in the figures gave an exaggerated picture of the facts, the witness was asked to give the figures for the year 1938, the year immediately preceding the war, and for that year he fixed the production of Farben subsidiaries at 100% for gunpowder (Tr. 12774, 12775) and 82.5% for explosives (Tr. 12774).⁶⁴

(83) Any firm, so dominating the production field for gunpowder and explosives, cannot be heard to say that they did not know the nature or purpose of the work they were engaged in.

ELEMENTS OF CONTROL

(84) The defendant Von Knieriem (in PE 326) gives the following background to the relationship between Dynamit A.G. and Farben. During the first World War the two principal explosives companies in Germany were Dynamit A.G. (formerly Nobel) and Kohn-Rottweil. The former specialized in explosives and the latter in gunpowder. At that time they were economically close to Farben because they relied on Farben for their

62 All records of DAG in Troisdorf have been destroyed. (Tr. 13681).

63 The principal subsidiaries producing explosives are the following: DAG (discussed herein), Wolff & Co. (PE 1939, 1936, 391, p. 54); and Eibin, a subsidiary of Wolff & Co. (PE 391, p. 54), WASAG and WASAG Chemie, which operated 14 explosives plants and whose majority stock was owned by Farben (PE 48, 666); Deutsche Sprengchemie, in turn owned by WASAG and WASAG Chemie (PE 666); and Verwertchemie (Gesellschaft zur Verwertung Chemischer Erzeugnisse), which was owned 100% by DAG and which operated 32 explosives plants (PE 48, 666).

64 These figures are somewhat higher than the figures of the Prosecution witness, Dr. Struss (PE 325).

requirements of nitrogen products to produce explosives. In 1926 an agreement was made between Farben and Dynamit A.G. whereby: Kohn-Rottweil sold its gunpowder plants to Dynamit A.G., and retained the remaining plants for the production of artificial fibre. The reconstituted Kohn-Rottweil was then taken over by Farben. Farben acquired the controlling stock of Dynamit A.G. and by agreement (Interessengemeinschaft, PE 17) guaranteed the dividends of Dynamit A.G., in return for which, provision was made that "prior to effecting transactions which do not fall within the scope of the normal business of its (DAG) commercial activities, the approval of Farben shall be obtained." The balance sheets of DAG were required to "be drawn up in accordance with rules to be established with Farben's consent." (PE 17, supra). Farben had the absolute option to "absorb all Dynamit A.G. assets by merger." Farben also had the absolute option to terminate the agreement and "to demand from Dynamit A.G. the transfer of all real estate, buildings, apparatus, and participations * * * as may be determined by, and at the discretion of Farben on the basis of book value shown in the last balance sheet." (PE 17, supra). In the general meeting of Dynamit A.G., Farben controlled a majority vote (PE 50).

(85) In 1929 Dynamit A.G. "at the behest of Farben" concluded a guarantee contract with another explosives firm, namely, Wolff and Company. Farben owned 79% of the stock of that company (PE 1958, p. 13, being the representations made by DAG in its petition to the tax authorities). Through this latter arrangement, said DAG, "the bulk of all the I. G. Farben concern's powder and explosives interests were placed in DAG hands. It was I. G.'s intention that this whole sphere should be assigned to our firm (DAG) as a closely knit and integral unit of the concern in the interests of unified direction in accordance with the functional division along chemical and technical lines, as the result of which, (says

DAG), we belong to Sparte III of Farben; Dr. Gajewski, who is the chief of this Sparte, is a member of our (DAG) Aufsichtsrat and of the Central Committee of the I. G. Farben Vorstand." (PE 1958, supra, p. 13).

Financial

(86) Dynamit A.G., itself, described its financial dependence on Farben as follows:

"The I. G. controls 60.65% of the total shares by virtue of its holdings in preferred and common stock issued by our corporation. * * * Due regard (said Dynamit A.G.) must be placed on the fact that the I. G. control not merely a considerable majority, i.e., almost two-thirds of the votes, but that their financial control had already been created by the contract of September, 1926." (PE 1958, supra, p. 15).⁶⁵

(87) The financial control exercised by Farben extended to the normal business activities of DAG, in that DAG had to get the approval of Farben's TEA for the expansion or construction of new plants and facilities or for purchase or replacement of machinery (PE 325, 50). Von Knieriem states: "DAG had to ask like every I. G. plant for approval of TEA." (PE 326). DAG, itself, represented the factual situation as follows:

"We have to obtain the approval of the TEA of Farben to which our general director, Dr. Paul Mueller, on account of his special technical knowledge, also belongs, for all expenditures for new plants in excess of RM 10,000, just as do other works belonging to I. G." (PE 1958, p. 17, supra).⁶⁶

85 DAG's petition which is referred to above, and which was made with the knowledge and consent of Farben, (Tr. 6654, Von Knieriem's testimony, and minutes of Farben's Legal Committee, stating: "I shall appeal,"; and Tr. 2318, Dencker's testimony), emphasized the fact that in addition to the 60.65% stock control by Farben, Farben under the agreement of 1926 could "at any time declare its intention of taking over our (DAG) entire assets by way of merger. * * * It is therefore obvious that this provision of the agreement considerably reinforces the control of our corporation (DAG) by the I. G., already established by its majority vote." (PE 1958, p. 15, supra).

86 Plants financed by the Reich did not go through TEA. Where DAG money was involved, it went through TEA (Tr. 1922). This followed the same practice as in other Farben plants.

Organizational⁶⁷

(22) "Organizationally Dynamit A.G. was incorporated in the I. G. through being grouped in Sparte III, i.e., just as if it had been an I. G. plant. Dr. Gojewski, in his capacity as head of Sparte III, had the right and duty toward the I. G. Vorstand to watch the technical developments of DAG and for this purpose could order investigations to be carried out at the DAG." (PE 326; see also PE 50). The actual submission of credit applications from DAG to the Farben TEA went through Sparte III, even though Dr. Mueller of DAG was a member of the TEA.⁶⁸

(23) Further organizational control is described by DAG as follows:

"Two members of the I. G. Vorstand, Geheimrat Professor Dr. Bosch and Geheimrat Dr. Schmitz, were elected as members of the Aufsichtsrat in the first General Meeting held after the conclusion of the Interessengemeinschaft Agreement. Dr. Punge was sent to us in 1931 from the I. G., as technical member of the Vorstand, to take the place of Director Born, who had then retired. In 1937, Geheimrat Dr. Schmitz, chairman of the I. G. Vorstand since 1935, took over the chairmanship of our Aufsichtsrat, after another member of the I. G. Vorstand, Director Dr. Gojewski, already mentioned as chief of Main Group 3, which was responsible for our field of production, had been elected to our Aufsichtsrat.

67 DAG in its petition (PE 1958, at pp. 20-23) sets forth the detailed facts relating to the organizational relationship.

68 Dr. Schmidt, a member of the Vorstand of DAG, testified as follows:

"Q. Is it not a fact that the reason why Dr. Mueller presented the credit applications of DAG to the TEA himself, rather than through Sparte III, isn't the reason due to the fact that Farben and Gojewski thought that it would be simpler as a matter of administration to have Dr. Mueller present it personally to the TEA rather than through Sparte III?

A. Yes. It wasn't that Dr. Mueller personally submitted the credits to the TEA; it wasn't like that. The DAG submitted the credits via Sparte III to TEA. That was a few weeks before the session. If the TEA session then sat, for example, in Frankfurt, Dr. Mueller would drive to Frankfurt for the session and then discussions were held in the TEA as to whether the credit was necessary, as to whether the funds should be expended by us, then Dr. Mueller personally defended this application. In other words, he did not submit them personally but he defended them and gave reasons for them personally in the TEA. They were submitted by the DAG." (Tr. 13108-13110).

"On the other hand, our General Director, Dr. Paul Mueller, has been a member of the I. G. Aufsichtsrat since 1933, but he also belongs to the Technical Committee formed by the I. G. Vorstand and to the Commercial Committee of the I. G. Additional members of our Vorstand and of our Directorate were appointed by the I. G. to its technical, commercial, and scientific sub-commissions. * * * 69

"The entire accountancy organization, particularly insofar as was required for the carrying out of the profits allocation agreement etc., was adapted to that of the I. G., and our entire business management was subject to the supervision of the agency responsible for the I. G.'s own plants (Central Committee, Technical Committee, Commercial Committee, Sparte management)."
(PE 1958, at p. 21).

(90) The Defense have maintained that the organizational set-up which placed Dynamit A.G. under Sparte III was merely one of form and they assert that in fact Dynamit A.G. retained its independence from Sparte III.⁷⁰ In support thereof, they rely on a so-called gentlemen's agreement alleged to have been made between Bosch of Farben and Dr. Mueller of DAG whereby Dr. Mueller was told by Bosch, that he was not subject to the direction of Gajewski. Dencker, the head of the Farben Bookkeeping Department, testified that he never heard of such an agreement (Tr. 2325). Defense witness Schmidt, member of the Vorstand of Dynamit A.G., testified that he heard from Dr. Mueller sometime around 1929 that a conversation took place at Bosch's home where Mueller and Gajewski were present, and that Mueller asked Bosch whether Gajewski was his boss and Bosch replied, "No". (Tr. 13098-13101). This conversation

69 Mueller was a brother-in-law of defendant Schmitz (PE 326). In August, 1937, when Farben activated the Commercial Committee, von Schnitzler wrote Bosch telling him that at the suggestion of Schmitz, he was advising him of the purposes and representation of the Commercial Committee. In the course of this explanation, von Schnitzler stated: "In September, we shall also contact Dr. Paul Mueller as to the way in which we should include the explosives interests in our circle." (PE 361). A significant meeting of the TEA in June, 1943, where all the technical men in the 3 Spartes were present for discussion of the steps to be taken regarding the transfer of production from plants in the area where military action was taking place, shows how Mueller was considered as representing DAG in the TEA, for the minutes show his presence as follows: "Explosives—Powder Group—Mueller." (PE 678).

70 The issue, we submit, is not whether DAG was independent of Sparte III, but whether it was independent of Farben.

is the source to which the Defense points as being the authority for the independence of DAG. No written agreement, orders, or directives were issued.⁷¹ (Tr. 13100-13101).

(91) What the Defense overlooks, in our opinion, is the fact that even accepting their version, this "understanding" amounted to nothing more than an internal matter as to which persons within Farben shall exercise authority over specific fields. It does not indicate the independence of DAG from Farben. On the contrary, the very fact that DAG had to go to Farben to request a decision as to the respective fields of authority of Mueller and Gajewski, indicates on its face that "the boss" was Farben. At best, all it amounts to is that Mueller was given a standing in Farben on a par with Gajewski. But beyond mere argument, the testimony of the defense witness Schmidt, Vorstand member of the DAG, itself negatives the assertion that DAG was independent of Farben.⁷²

71 Knicerich says he heard that this gentlemen's agreement only applied to Mueller personally "so long as Mueller was president of the Vorstand of Dynamit A.G." (PE 326). It did not even "run with the land" so to speak.

72 Schmidt of DAG testified (Tr. 13102):

"Q. But the respective authorities which you say Bosch laid out between Gajewski and Dr. Mueller, that was wholly dependant upon the pleasure of Bosch, isn't that so?

A. Yes.

Q. Now do I understand your testimony to be that after this conference of 1929 between Bosch, Mueller and Gajewski, Farben exercised no influence in the business affairs of Dynamit A.G.? Is that your testimony?

A. That Farben had no influence? No, of course not. That only referred to the business management within the DAG itself. That shouldn't mean that Farben had no influence on the business management of the DAG.

Q. Do I correctly understand your testimony that even after this agreement in 1929 which you mentioned, Farben still exercised influence in the business affairs of Dynamit A.G.? Is that a fair statement of your testimony?

A. Yes."

(92) Notwithstanding the foregoing, the Defense stressed the fact that there was no technical "control". The use of the term "control" is misleading. DAG was subject to the same technical control as any other plant or department of Farben, which was exercised through TEA and KA. The authority of Mueller in the technical production field of DAG finds its source in Farben having delegated that authority to him rather than Gajewski. It was no different from the authority given to the plant managers of Launa, Schkopau, and Huels, in their technical fields.⁷³

(93) Krouch has stated (PE 338, at p. 2): "In addition to having legal responsibility, the Vorstand may be regarded as having actual knowledge of plant operations, acquired directly from the plant directorates, or through the Sperton, TEA, or KA."

(94) Mueller, as a member of Farben's TEA and KA, represented DAG. There would have been no purpose in having him on these important Farben committees if DAG were "independent" as the Defense claims.⁷⁴

73 See testimony of Buettfisch (Tr. 8612-8614) as to how "technical control" was exercised by the Vorstand; discussed in Buettfisch's individual responsibility brief. Many of the larger Farben plants were owned and operated by subsidiary companies rather than directly by Farben. Thus, Launa was owned by the subsidiary, Ammoniakwerk Merseburg. Its capital was greater than that of DAG; Merseburg having 287,070,000 (PE 51) and DAG 47,000,000 (PE 1953). The first contract with the Reich in December, 1933, with respect to increased production of synthetic gasoline was signed by Merseburg rather than Farben (PE 82). Schkopau was owned by a separate subsidiary (the Buna Werke) with an original capital of 20,000,000. (PE 550). Huels is also set up under a subsidiary (Buna Werke Huels). (PE 347).

74 Von Schnitzler, in first advising Bosch that Mueller was to be made a member of the KA, stated that in this way, "We should include the explosives interests in our circle." (PE 361). See also the minutes of the Commercial Committee which reconstituted that committee wherein it is reported that: "Dr. Paul Mueller is to be invited to the meetings of the Commercial Committee as a representative of the explosives group." (PE 362, at p. 2).

(95) Dynamit A.G. was "dependent upon I. G. for nitrates." (PE 325). It also had a dominating position in the production of intermediates for explosives. The intermediates produced by Farben essential for production of explosives and gunpowder are listed in Dr. Struss' affidavit, PE 325, *supra*.⁷⁶

(96) We shall show specific instances where after the date of this alleged agreement, the activities of DAG were still subject to clearance and approval by Farben.⁷⁷

75 In PE 1958, at pp. 18-20, DAG sets forth in detail the facts indicating that it is economically dependent on Farben and we refer to the factual representations there made in support of our position here.

76 DAG, itself, represented the situation as follows (PE 1958, p. 19):

"* * * We require from the I. G. large quantities of nitrogen products for our plants, such as ammonia, nitric acid, urea, etc., of inorganic chemical products of I. G., such as chlorides, sulphur, sulphuric acid, hydrochloric acid, oxygen and hydrogen, and of organic chemicals, especially glycerine, glycol, toluene and collodion wool. In addition, a large number of other products from other fields of I. G. production form an essential basis for the sphere of work allotted to us within the framework of the I. G. concern. This is true in a particular measure of the field of artificial silk developed in the course of the closest scientific, technical, and commercial collaboration with I. G. works."

These representations of DAG were found by the tax authorities to have been fully substantiated, in the following language (PE 1958, at p. 46, 47):

"The raw materials required by the Dynamit A.G., were, to a great extent, produced and supplied by I. G. These raw materials formed an essential basis for work in that field of production allotted to the Dynamit A.G. within the framework of the I. G. concern."

Compare also report of Reich Office for Military Economic Planning, PE 1917 and PE 610, dealing with deliveries from Farben to DAG, and discussion in Part II, A, Par. 27, 49, and Footnote 79, *post*.

77 DAG could not transfer or move any of its plants without securing the approval of Farben. (Tr. 13103-13105). As late as 1937, it could not construct a new plant without getting the prior approval of Farben (Tr. 13105). See also the representations of DAG in Par. 87, *supra*.

(97) On 22 October 1935,⁷⁸ Dr. Mueller of DAG advised Gajewski, in strict confidence, that DAG had "been asked by the Reich War Ministry to submit a plan for the number of chemists, engineers, office employees, workers, etc. required for getting the different emergency plants going in the event of mobilization. * * * Three emergency plants come under consideration for the production of trinitrotoluol." After identifying the particular emergency plants, Mueller, in his letter to Gajewski, states:

"On the other hand, we shall have to expect that, in the event of mobilization, both toluol and also benzol are not, or only in very limited quantity, made available for purposes of private enterprise, thus also for the production of mono and dinitro compounds as base materials for the most varied chemical products.⁷⁹ I can, therefore, imagine that some of the chemists who are at present engaged in the production of mono and dinitro compounds in the I. G. plants will be at liberty in the event of mobilization. * * * I would like to suggest that we establish which people from the I. G. plants could be surrendered to the emergency trinitrotoluol plants. * * * Furthermore the thorough acquaintance with the methods as they are carried out with us for the production of mononitrotoluol, dinitrotoluol, and trinitrotoluol, as also the refinement of raw trinitrotoluol, will have to be expected. * * * We still lack two chemists for a plant producing picric acid."

78 Compare as to timing *IMT Judgment*, Volume I, page 184: "On 19 March 1935, Goering announced that Germany was building a military air force. Six days later, on 16 March 1935, a law was passed * * * instituting compulsory military service and fixing the establishment of the German Army at a peacetime strength of 500,000 men. * * * The Government announced on 21 May 1935 that Germany would, though renouncing the disarmament clauses, still respect the territorial limitations of the Versailles Treaty. * * * On 7 March 1936, in defiance of that treaty, the demilitarized zone of the Rhineland was entered by German troops."

79 Compare PE 1817, the report of the Reich Office for Economic Military Planning which indicates that after this letter, the bulk of the trinitrotoluene production was in the three DAG plants mentioned in the letter by Mueller. Mononitrotoluene was used as the base for the production of trinitrotoluene (PE 1817, *supra*, p. 3). The production of mononitrotoluene in Germany was by Farben plants and this report states: "Of the 1936 production of mononitrotoluene, about 90% goes into the production of trinitrotoluene. * * * The explosives factories consumed 95% of the domestic consumption." (*supra*, at p. 4). Again this report shows that in 1937 the trinitrotoluene production increased 77.4% over the previous years, and 4 out of the 5 plants producing this TNT were DAG plants, 3 of which are mentioned in the letter of Dr. Mueller to Gajewski. (*supra*, p. 4, 5). This document PE 1817, shows in detail the plants and the particular explosives that were produced in the years 1936 and 1937 and establishes the fact that they were all produced by DAG or Farben plants.

Dr. Mueller concludes this letter by stating:

"Now my request to you is aimed at establishing whether suitable representatives of I. G. can be put at our disposal for the trinitrotoluol emergency plants and for the one plant for the production of picric acid in the event of mobilization. I must ask you to treat all the questions in strict confidence and to impose the same strict confidence on the offices with which you take up relations." (PE 1936).⁸⁰

(98) In December, 1935, Mueller of DAG wrote Farben at Hoechst stating:

"I cannot tell you how glad I am to observe the most gratifying results of the closer collaboration in the sphere of high explosives upon which we embarked sometime ago. I do not want to miss the opportunity to inform you of a paragraph in a letter from the Commander-in-Chief of the Army, * * * which reads: 'Section I of the Production and Examination Department congratulates DAG on having been able by close collaboration with I. G. and Army Ordnance Office, to produce the modern high explosives, trinitrobenzene and hexogen, and to develop them further in the interests of the defense of Germany. I congratulate you on the new process for the production of synthetic glycerin. I await with truly impatient interest the results of the experiments now underway.'" (PE 111).

(99) The further interlocking between DAG, Farben, and its subsidiaries, in the explosives field is shown by a letter in September, 1936, by Wolff and Company, another subsidiary of Farben, to Gajewski, Schmitz, and Dr. Mueller of DAG, informing them of the discussions that they (Wolff and Co.) had with the War Ministry about the construction of a powder plant. (PE 1939).

(100) In March, 1937, the Vermittlungestelle W, in sending out its directives to the Farben plants dealing with "economic mobilization work of the I. G. works", included the Dynamit A.3. as one of the Farben works to which the mobilization procedures were applicable. (PE 1329).

(101) On 12 March 1937, Mueller of DAG wrote to Gajewski and to the defendant Wurster complaining of a letter that Wurster wrote to the Reich Group Chemistry, and stated:

⁸⁰ At the time of the Munich Conference, Mueller of DAG made a similar request of Farben: "During the period of tension, Dr. Mueller (DAG) had come to see him (Dr. Dickmann, I. G. Vermittlungestelle W) and had suggested that in the event of mobilization, the I. G. should give up some of the workers who are working in the I. G. in nitrating and similar plants, to the DAG." (PE 604).

"The Army Ordnance Office gave us strict orders to inform it continuously if the required production quote could not be reached or seemed in danger. Several times we informed the appropriate I. G. offices of this fact so that they were fully informed with regard to our duties toward the Army Ordnance Office, * * * and dear Dr. Wurster, I also must refer to a sentence in your circular to the authorities concerned. In this circular you expressed the idea that the large consumption of the DAG plants had not at all been reported to you. Actually the situation is that our Purchase Department regularly informs the places named to us as being the offices concerned, namely, the I. G. Sales Combine in Berlin and Leverkusen, about the requirements for the month in question."

To this Dr. Wurster replied, stating:

"It is correct that your (DAG) Purchase Department has always announced to us (Farben) the needs of your plants one month in advance. Because of the unexpected great increase of your requirements, this naturally did not help because we expected you to announce your requirement to us at least one year ahead so that we could undertake the necessary measures in our SO-3 plants. * * * If you could not announce the requirements, this means that there exists, hereto, a lack of synchronization in starting the operations of the plants for finished products and the plants for the required preliminary products." (PE 1940).

(102) In August, 1938,⁸¹ the defendant Krauch spoke to the defendant Schmitz about making available to DAG 16,400,000 RM for the three months covering August, September, and October, 1938, to finance the new building operations of DAG. Schmitz arranged for the financing through Farben's house bank, the Loenderbank. (PE 1938).

(103) In August, 1938, when the defendant Krauch was working on the Karinhall Plan, namely, setting up the production capacities and schedules for gunpowder and explosives, the Chief Engineer of Dynamit A.G., Schindler, conferred with Krauch and Army Ordnance officials on the plan. (Testimony of Schindler, Tr. 12738). Krauch, himself, testified as to the conversations he had with Goering at the time the Karinhall Plan was drawn up, and stated that the so-called Hindenburg program relating to the production of powder and explosives,

⁸¹ Note the timing of the period immediately preceding the Munich crisis.

which was the highest point of production achieved by Germany in the first World War, had not been reached at the time, and Krauch testified:

"I answered Goering saying that General Keitel's opinion that all Hindenburg program had been achieved was not at all correct in my opinion since otherwise the situation for explosives and so on, would have been quite different. * * * I got the figures from the nitrochem industry. I knew of all the deliveries to the powder and explosives factories." (Tr. 5092).

(104) He also stated that he had informed Goering at that time that the "Army Ordnance Office had come to the conviction that the expansion of powder and explosives capacities had fallen behind the expansion of other armaments, tanks, ships, etc.", and that the rapid plan was to "hasten the powder and explosives production program." (Tr. 5094).

(105) On 24 September, 1938, Dynamit A.G. sent a report to the defendant Schmitz containing the turn-over figures of Dynamit A.G. sales in the military explosives field, and in that report stated:

"Our supplies to the military, about which we are not generally permitted to talk, are also contained in the turn-over figures. Without these figures the report would represent an entirely false picture." (PE 2159; testimony of Schmidt, Vorstand member of DAG, Tr. 13121).⁸²

82 The defense witness, Dr. Schmidt, member of the Vorstand of DAG, testified that DAG transmitted quarterly reports to Forben containing the turn-over figures as to its sales of military explosives (Tr. 13116), culminating in this statement:

"Q. Is it a fair statement then to say that the quarterly reports containing the turn-over figures as to the sales in military explosives were continually sent by Dynamit A.G. to Forben from the period 1934 right through the end of the war—is that a fair statement?

A. I think it is." (Tr. 13117).

The TEA prepared charts and graphs from these reports, and in such charts indicated the turn-over as to military explosives. (PE 1941, 1942, 2341, 2344, 2311, 2314; Tr. 11332-11333.) See also PE 1958, p. 20, where DAG says: "The secrecy obligation of the patent code applies to our firm in the same way as it does to the various works of the I. G. itself. * * * The measures taken by our firm in the armament business, whether explosives, munitions, or plastics, are concerned, are therefore to be considered on the same footing as those taken by the operations departments of I. G."

(106) In October, 1938, Dr. Mueller informed Gojewski that DAG refused to accept the risk for the construction of the hexogen plant at Bobington and that DAG persuaded Army Ordnance to construct the plant at its own expense, with DAG, however, being the engineer, contractor, and the operator of the plant. Ter Meer was requested to be informed of this (PE 1937). One month later, in November, 1938, the defendant Gojewski and Mueller, of DAG, discussed the questions relating to the construction and operation of the hexogen plants at Bobington. (PE 1937, p. 2).⁸³ Ambros at that time was working with the explosives firm WASAG in the hexogen field and in November, 1938, he wrote Krauch about this collaboration and asked for his further support in the matter. (PE 2330).

(107) Even in 1940,⁸⁴ Dynamit A.G. applied to defendant Gojewski to secure his agreement on the allocation of personnel between DAG and Rottweil, and the minutes of the conferences in connection with the problems of the DAG plants producing nitrocellulose were sent to Gojewski for his approval, and the capacities and production of the individual DAG plants producing these things were listed in detail. (PE 1937, p. 6-7).⁸⁵

⁸³ This document also refers to the capacity of the two plants that are being constructed for the production of hexogen. The further interesting fact appears in this document that DAG and Farben have not as yet decided whether the Verwertchemie (Gesellschaft zur Verwertung Chemischer Erzeugnisse), the subsidiary of DAG, should be assigned the actual operation of the two hexogen plants. We ask that this be weighed in the light of the repeated assertions of the Defense that they never heard of the Verwertchemie.

⁸⁴ In April, 1940, Mueller of DAG, in writing to Farben, complained about a certain transaction in the following words: "Since the DAG is, to all intentions and purposes, a branch of the I. G., I cannot see any reason why there should be objections to supplying the desired figures. * * * If you should not feel happy about communicating the figures officially to my firm, they may perhaps be communicated to me personally in my capacity as a member of the Aufsichtsrat of I. G." (PE 327).

⁸⁵ Note the significant admission by DAG: "Since Troisdorf (DAG) is also the agency for the I. G. plants to which all delivery schedules and all accounts are sent, Troisdorf is, in my opinion, the one and only agency which can undertake the distribution of the gun cotton."

The defendant Ambros, in early 1940, reports on his visit to the DAG plant and the collaboration between Farben technicians and the DAG in the hexogen production field, and he indicates that DAG sought the approval of Farben technicians as to the technical problems involved. (PE 1937, p. 3, 4).⁸⁶

(108) We have referred to the petitions made by DAG with the collaboration of Farben, to the tax authorities in which they made specific factual representations that they were "dependent upon the I. G. Farben, in financial, economic, and organizational respects, not merely in the period from 1 January 1927 till 30 November 1938, as acknowledged by the Reich Fiscal Administration after repeated audits, but that this dependence subsisted in December, 1938, and that it continues today (November, 1940)." (PE 1958, p. 11).

(109) As factual admissions, these petitions are significant. But apart from such admissions, the decision of the highest German tax authorities holding that DAG was dependent upon Farben, (PE 1958, supra, p. 44), was made on disputed questions of fact, the questions having been posed by DAG as being whether it:

"has, in effect, been financially, economically, and organizationally, incorporated into another enterprise (I. G.) * * * a corporation claiming recognition as a member of another enterprise, has to conform to the following stipulations: It is precluded from acting for its own account and risk in the management of its affairs. A relationship of personal subordination is required in the manner that in principle, it has to follow the instructions of the parent corporation in all business matters, except for a certain limited freedom of action which may possibly have been conceded. Thus, it merely represents a kind of business department of the head corporation. These conditions are completely complied with as regards our actual relationship towards the I. G. which has been set forth in some detail in our statements to date, and the decision (below) is wrong in disputing the existence of this state of affairs." (PE 1958, supra, at p. 14; DAG's petition on appeal).

⁸⁶ Schindler, Chief Engineer of Dynamit A.G., testified that he had dealings with Ambros, both before and after the war, in connection with "certain raw materials and intermediary products, for example, hexamethylene, tetramene, and formaldehyde, which was furnished by Farben * * * and in connection with the erection of plants which were to serve for the manufacture of those products." (Tr. 12356, 12351).

(110) Every representation which the Defense now makes is contrary to the factual representations made by DAG before the tax authorities.⁸⁷ The findings of the highest tax authority in that proceeding on the disputed fact questions completely answer the claims now being made by Forben. (PE 1958, supra, p. 44-45).

(111) The Defense have repeatedly suggested that there is something in the nature of this turn-over tax proceeding which necessitates limiting the representations made by DAG and the decision by the tax authorities to the particular legal problem there involved. The analogy to our own sales tax laws will indicate that there is no merit to this contention. The turn-over tax is the same as our sales tax, namely, on a sale from one person to another, a taxable event has occurred. If, however, the relationship between the buyer and seller is so close as to warrant a finding that the seller and the buyer are the one and the same person, then, of course, the taxable event does not occur because two entities necessary for the transaction are not present. What DAG contended in this litigation was that when it sold things to Forben, and when Forben in turn sold things to DAG, there was in fact a unity of "legal personality" between the buyer and the seller sufficient to negative the inference that a sale had taken place. The decision of the tax court on the facts means that transactions between DAG and Forben were the same as a transaction between two departments of Forben. Such a holding, especially to the detriment of the public revenues of the German Government, could only have been made, upon very convincing factual proof that DAG was nothing more than a department of Forben.

⁸⁷ Von Knieriem directed that all the members of the Vorstand be informed in writing of the judgment in view of its importance. (PE 1944). See also Tr. 8656 as to criminal penalties for factual misrepresentations.

SUBSIDIARIES

Verwertchemie (Gesellschaft zur Verwertung Chemischer Erzeugnisse).

(112) The Verwertchemie was a wholly owned subsidiary of Dynamit A.G. (testimony of Schmidt of DAG, Tr. 13122, 13125, 13682). The managers of Verwertchemie were "only officials of Dynamit A.G." (Tr. 13125), and the personnel of Verwertchemie was the same as that of DAG. (PE 686). Schindler, Chief Engineer of Dynamit A.G., was also the chief engineer of Verwertchemie, and its business manager (Tr. 12348, 12347). All the records of Verwertchemie were in the same administration building as Dynamit A.G., and were destroyed along with the DAG records. (Tr. 13682).⁸⁸

(113) The thirty-two plants of the Verwertchemie producing explosives are indicated in the chart, PE 48. The detailed auditor's reports on the business of Dynamit A.G. and its subsidiary, Verwertchemie, were sent to Farben officials, among whom were Bosch, Gojewski, the TEA Office, and the Central Financing Office. (PE 2311, Tr. 13692). In the auditor's report of DAG (for the year ending December 31, 1938), the individual plants of DAG were listed, (Tr. 13697), together with the particular explosive that they were producing military explosives. (PE 1816, at p. 11; Tr. 13698).⁸⁹

⁸⁸ The documents in evidence were found in Farben files.

⁸⁹ PE 1816, at p. 11, states: "The following factories are in addition operated by the Gesellschaft m.b.H. zur Verwertung Chemischer Erzeugnisse, the capital stock of which is wholly owned by the DAG, as trustee for the Verwertungsgesellschaft fuer Montanindustrie G.m.b.H., Berlin:

Dosnitz	from 1 April 1936 onwards
Gussen	from 1 July 1938 onwards
Hasslach-Lichtenau	from 1 June 1938 onwards
Clausthal-Zellerfeld	from 1 Jan and 1 April 1939 respectively
Veckermünde	from 1 Jan and 1 April 1939 respectively."

The reports also contained a breakdown as to civilian and military explosives. (Tr. 13699-13706).⁹⁰

(114) When the Central Bookkeeping Department of Farben received these auditor's reports of the activities of Dynamit A.G. and Verwertchemie, they were then forwarded to Bosch, Gajewski, TEA Office, Central Financing Administration, and after 1938, to Schmitz. (PE 1816).

(115) In addition to the auditor's reports referred to, which indicated the nature and extent of DAG and Verwertchemie's business in the military and explosives field, quarterly reports as to turn-over figures were sent by DAG to Farben, and in these turn-over figures there was a breakdown of sales of Verwertchemie. (PE 2313, Tr. 11332). The Vorstand received these turn-over reports. (Tr. 11332).

(116) In November, 1938, Gajewski and Mueller discussed the question of the construction and operation of hexogen plants at Bobington. (PE 1937, at p. 2). In a letter from Farben to DAG relating to that discussion appears this notation:

"We (Technical Committee of Sparte III of Farben) are building both plants, the 100 tons per month experimental plant, as well as the 400 tons per month large scale plant, from Bobington as contractors for you (DAG) and/or for the Army Ordnance Office. All orders will be carried under the name of DAG. With regard to the large scale plant, it is not yet quite clear whether the Verwertchemie may not possibly appear as one of the firms directing the undertaking."⁹¹

90 Schindler, Chief Engineer of Dynamit A.G., in his testimony tried to minimize the extent of DAG's production for military explosives, and he emphasized that their field was "civilian" explosives. He admitted on cross-examination that explosives and gunpowder used by the Luftwaffe, by the Engineers of the Army, and in the construction of the Westwall, were not included in his classification of "military explosives". (Tr. 12727; compare PE 609, p. 26-30).

91 DAG specifically set up Verwertchemie as its operating subsidiary to produce the explosives in their plants. The overall lease agreement between Verwertchemie and Montan, dated 23 May 1939 (found in Farben files and signed by Dr. Mueller and Dr. Schmidt of DAG, as members of the Board of Verwertchemie), states: "Dynamit A.G., by order of and on behalf of the Army High Command, built or fitted out as independent works the following production plants with the requisite subsidiary factories." Then five factories are listed indicating the particular explosive produced by each. These are the same factories which were listed in the auditor's report submitted to Farben for the year 1938. (Supra, footnote 89; PE 675). Verwertchemie also reported to Farben the number of employees and the increase from year to year. (Tr. 13122).

(117) In January, 1939, at a conference which Schmidt of DAG had with Farben officials, he told them all about the Verwertchemie and of the extent of its operations of the military explosives plants which the Reich constructed, (Tr. 13125, PE 353). He admitted that as far back as 1937, DAG told Farben of the activities of Verwertchemie (Tr. 13126).⁹² In May, 1939, DAG guaranteed the performance of the contracts which Verwertchemie had with the Army in the following words: "Guarantee that the activity of Verwertchemie be limited exclusively to production for the High Command of the Army." (PE 674).⁹³

(118) In August, 1939, when Krouck's Office and Army Ordnance made a last-minute survey of the condition of the explosives factories in relation to its suppliers, the report shows the extent of the direct dealings between the Verwertchemie plants listed in this report and Farben plants which supplied the nitric and sulphuric acids essential for the production of explosives. (PE 610, 2060, 2061).⁹⁴ Prior to 1 September 1938, Montan owned 37 chemical plants. Of this number 36 were built and operated by Farben and its subsidiaries (although financed by Montan). 20 plants, at the most, would have been sufficient to cover the peacetime requirements for explosives (PE 398), and the peacetime requirements referred to an army of 1,300,000 men. (Tr. 2333-2336).

WASAG and WASAG Chemie

(119) WASAG and WASAG Chemie was a subsidiary of Farben directly rather than Dynamit A.G. (PE 565). They operated 14 explosives plants (PE 48). In November, 1939, WASAG had already

92 At that time, Farben directed that an audit be made of the affairs of Verwertchemie. This audit was made and sent to Farben. (PE 1816).

93 It should be noted that with the destruction of the records in DAG's office of Troisdorf, these documents were found in Farben files.

94 There was considerable business between Farben and Verwertchemie resulting in substantial financial indebtedness between the parties. (PE 2341).

signed a contract with the Army Ordnance for the construction of a plant "for the manufacture of nitroglycerin and nitroglycerin powder." The contract also provided that instead of nitroglycerin, nitrodiglycol could be used. (PE 600).

(120) In 1935 Ambros and Ter Meer knew of the activities of WASAG in the production field of military explosives (PE 107), and they collaborated in the research work in connection with diglycol as a base for explosives and hexogen. (PE 121).⁹⁵ Ambros knew that Farben's production of diglycol was destined for the WASAG explosives factories. (PE 121, supra). Krauch knew of Ambros' collaboration with WASAG (PE 1937, at p. 3; PE 2330).

(121) In January, 1939, Farben officials discussed with DAG the Montan arrangements which included also WASAG. (PE 353).

Deutsche Sprengchemie

(122) Deutsche Sprengchemie was a wholly owned subsidiary of WASAG and WASAG Chemie (PE 666), and operated explosives plants (PE 48). Its activities were "limited exclusively to the purposes of the Reich War Ministry." (PE 600, at p. 5).

(123) In November, 1937, WASAG and WASAG Chemie guaranteed to the German armed forces the performance of all contracts which Deutsche Sprengchemie had with the military authorities. (PE 600, supra).

(124) When Farben officials discussed the Montan arrangements involving DAG and WASAG, they also took into account the arrangements with Deutsche Sprengchemie. (PE 353).

(125) The foregoing discussion relating to DAG demonstrates that the entire Vorstand, through TEA and KA (with whom Dr. Mueller of DAG sat), knew of its preparations for equipping the Kezi military machine and exercised control over DAG in the same way as over other Farben departments.

⁹⁵ PE 2060, 2061, show deliveries of intermediate products by Farben to WASAG plants at Eilsig and Reinsdorf, and also deliveries to the plants of Deutsche Sprengchemie.

Various members of the Vorstand had specialized dealings with DAG, namely, Krauch, Schmitz, Gajewski, Ambros, Von Knieriem, Ter Meer, Buetefleisch, Schneider, Oster, and Wurster, in connection with technical questions of intermediate products and their use for gunpowder and explosives. Questions of finance, and contractual commitments involving DAG, cleared Schmitz, Gajewski, and von Knieriem.

F. CHEMICAL WARFARE AGENTS

(126) In the Prosecution's Preliminary Memorandum Brief, Part I, pages 39-41, the evidence with respect to Farben's participation in the field of chemical warfare agents is set forth. The record shows that on the technical level there is an interlocking between the preliminary products needed to produce explosives, and the preliminary products needed to produce chemical warfare agents, and that for purposes of production and expansion of facilities, the particular products involved could be used for either explosives or chemical warfare agents as the needs may vary. (PE 591, chart of Reich Office).

(127) In Part II, A, herein, the extent of the planning in this sector in which Krauch and Ambros were engaged, from 1935 to 1939, is indicated, and in the individual brief of the defendant Ambros, there is a full detailed discussion of his individual participation in both the planning and execution of the program in this sector.

(128) The Farben preparations begin in 1935, when they collaborated with Orgasid in the Lamsdorf plant which was to produce poison gas (PE 351). In 1935, Wittwer was sent to the Raw Materials Office to work out a program for the production of Lost (PE 1918). In 1937, Farben collaborated, among other things, in planning the Gendorf (Trostberg) plant for poison gas, knowing that it was to be used in case of war (PE 538, Cf. Tr. 11471). In 1938, Farben told the High Command it had undertaken "the planning of the whole sector"

of chemical warfare agents (PE 597) and its facilities were expanded accordingly (PE 258). In 1939, extra measures were taken to accelerate the execution of the program. (PE 609, 634).

(129) The Defense has continuously referred to the state of unpreparedness from the point of view of actual production of chemical warfare agents on 1 September 1939, and has argued from that that there could have been no thought of aggressive war because of their inadequate production at the time.⁹⁶

(130) The fact of the planning is fully established. The execution followed the planning. In May, 1938, Farben advised the Army High Command that with respect to the production of diglycol and oxol, it was the responsibility of Farben and that "for the planning of the whole of this sector (chemical warfare agents), we now require as soon as possible the construction plans for the esterification plant for mustard gas and the storerooms required in connection therewith."

(PE 397). It was at the same time, in May, 1938, that Dr. Wittwer, Ambros' assistant, was appointed liaison man between Farben and the Army High Command in the planning and execution of the chemical warfare sector. (PE 2318). When in the following month, in July, 1938, the accelerated production plan in this sector was prepared by Krauch, with the aid and assistance of Ambros (PE 438), the plan provided for "the utmost acceleration of all building projects in these sectors, including the preliminary products. * * * The gunpowder and explosives plan can be achieved by the middle of 1941, the chemical warfare agents plan by the beginning of 1942." (PE 442, 439).

(131) In connection with the planning and the execution of the plan prior to 1 September 1939, the evidence shows that in this sector it was Farben that did the principal research and

⁹⁶ See, however, the testimony of Dr. Zahn, Chief of Army Ordnance Section for Explosives and Chemical Warfare Agents, who testified that they had produced sufficient quantities at the time so that they could have "dealt with an enemy such as Poland, but not with other enemies." (Tr. 11608).

that it had a monopoly in the production of preliminary products necessary in this sector. Ambros was asked whether any pressure was exerted on Farben prior 1 September 1939, and he replied (Tr. 8102):

"Farben had to yield the preliminary products for certain poison gases, for example, in Ammendorf, ethylene and thiodiglycol. Later, when M-Lost came in, Farben had to do the corresponding thing about M-Lost. Later, when the projects Gendorf and Kuelz came up, and the analogous product to mustard gas had to be made there, Farben again had to give up the processes for this. Since it never received licenses for this, it never received any compensation for it, but just gave away its "know-how", this is an expression for the fact that somebody ordered it." 97

(132) Through technical experience in the construction of the plants for the production of poison gas and its dominant position in the field of preliminary products necessary for poison gas, it exercised control on the development in this sector. (PE 2319, Tr. 11608). Thus, the minutes of a conference in February, 1939, state Farben's position in the matter as follows (PE 2319):

"However, it also seems expedient from the point of view of Farben that we should in this way take a part in the sphere of chemical warfare agents: (1) On joining Orgoid, Farben would get insight into and influence on these plants, that is, for instance, also in Ammendorf again. It would not be possible for anything to be built or operated without Farben's knowledge. (2) By giving the order for construction of the new plants to Orgoid, Farben is able to make its experience available in the interests of the Reich and yet will not be given the orders to carry out the construction as a whole. The Orgoid will deal with all the official, technical, constructional questions, while Farben will only undertake the design and possibly the assembly of certain installations in which

97 Compare testimony of Dr. Zehn, Army Ordnance Office, Tr. 11474-11482, where he stated, among other things:

"Q. Now in your discussion about the non-cooperativeness of Farben with Army Ordnance in the field of chemical warfare agents, is it not a fact that prior to 1 September 1939, Army Ordnance had no power to compel a firm to manufacture any particular product or to enlarge its facilities to manufacture a product, isn't that a fact? * * *

A. I am supposed to state whether we had any means of forcing the firm at that time to do what we wanted them to do. * * * I can't imagine what means we could have used. * * *

Q. Did you personally force any firm prior 1 September 1939 to set up any installation to produce a particular product?

A. We never forced these people." (Tr. 11481).

it is interested. For instance, it is possible that in the first Direct-Lost plant, Farben might undertake to provide the ethylene, and if the Leverkusen experiments fail, Auer will take charge of Direct-Lost machinery, etc.⁹⁸

(133) Plants producing poison gas were mainly constructed with Reich funds but they were operated by Farben or Farben subsidiaries. With respect to the plants producing the finished product of poison gas, Farben contributed the technical assistance in the planning and construction of 90% of these plants.

(134) The plants that were constructed by Farben prior to 1 September 1939 to produce intermediates and known to be earmarked for chemical warfare agents are Huels, Trostberg (Gendorf), and the expansions at Schkopau, Urdingen, and Ludwigshafen. For this the entire Vorstand must be charged with responsibility and as we have indicated, Krauch and Ambros, because of their technical specialities, particularly participated in this field.

98 Collaboration between Farben and Orgacid followed these lines (testimony of Zahn, Tr. 11608).

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THE UNITED STATES OF AMERICA

- against -

KRAUCH and others (Case VI)

FINAL BRIEF OF THE PROSECUTION

PART III

Certain Activities in Field of

Plunder and Spoliation.

Nurnberg, Germany.

1 June 1948.

I N D E X .

PART III

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A - INTRODUCTION.

Legal basis.

(1) As to the legal basis, reference is made to our introductory remark, Tr.2490-93, preceding the presentation of Count II, and to our Preliminary Memorandum Brief, Part II, pp.1-11. No additional remarks are required. The defense, particularly von Schnitzler's, has introduced evidence purporting to show that the Allies, during the war, also violated the Hague Convention in individual cases or, at least, construed said Convention the way Germany did (see Soviet note, von Schnitzler Exh.120). We do not have to deal with this defense in any detail. Even if it could be proved that Soviet Russia, at the time, also violated the Hague Convention, it would be no excuse for these defendants since wrong does not become right just because more than one person, or group of persons, or more than one country, is committing it. (Compare the comments of the Presiding Judge of this tribunal, Tr. 7659).

General References.

(2) The prosecution has reviewed generally the evidence establishing its charges under Count II in its Preliminary Memorandum Brief, Part II, Nos. 15-34. Said brief is made part hereof by reference. In view of the material submitted by the defense, the spoliation cases of Norway and Rhone-Poulenc have been supplemented or redeveloped in this brief, Part III B and D. In the case of Francolor, the main defenses interposed have been dealt with under Part III C. The defenses not yet disposed of in the briefs just mentioned will be dealt with in Part VI hereof, under the individual briefs on defendants as indicated below:

<u>Francolor Case:</u>	von Schnitzler, ter Meer, Kugler, Ambros;
<u>Rhone-Poulenc Case:</u>	Hann;
<u>Norwegian Case:</u>	Ilgaer and Haefliger.

The cases of Austria and Czechoslovakia, under the ruling of this tribunal of 22 April 1948, will no longer be considered as part of Count II. Part of the evidence submitted in these two cases has been reviewed in connection with Count I or will be referred to later under Part VI.

(3) As far as spoliation in Soviet Russia, Poland, and Alsace-Lorraine is concerned, the defenses interposed will be dealt with in Part VI hereof under the individual briefs on defendants as indicated below:

<u>Soviet Russia:</u>	ter Meer and Ambros (generally) Bueterfisch (Continental Oil);
<u>Poland:</u>	ter Meer and von Schnitzler;
<u>Alsace-Lorraine:</u>	Wurster and Jaschne (Oxygen and acetylene plants) Krauch (Simon pit) ter Meer (Kuhlmann plant).

Spoliation victims not testifying for Farben.

(4) Before evaluating the defenses interposed in connection with Count II (infra, B, C, D, and individual briefs, infra, Part VI), it should be pointed out that the defense has made no use of the only creditable source of information which could effectively have diminished the force of the contemporaneous documents themselves: testimony or affidavits by the victims. True, the victims or their representatives are all residing outside the German borders, more particularly in Switzerland, France, and Norway. But out of the several hundred affidavits on which the defense relies to weaken the force of the contemporaneous documents, dozens of the affiants to these affidavits reside as far away as the United States, South America, and Palestine. Many of the affiants reside in Switzerland, France, and Norway, but none of them are representatives of the spoliated enterprises, except in two unique cases where representatives of the plundered firms gave an affidavit to the defense, confined strictly

to the person of an individual defendant: (1) Monsieur Bo, manager of Rhone-Poulenc (Boerlein Exh.49) confirmed that Boerlein helped a Frenchman under circumstances which had no relation to Rhone-Poulenc or any of the other victimized firms; (2) Eriksen, director general of Norsk Hydro, stated that his firm was indebted to the individual defendant Oster for his conduct (Oster Exh.53). We have found no other cases. But if Bo and Eriksen were available to give testimony like the above, they were also available for questioning concerning the substantive matters involved. Just these two examples are the mere incriminating to the main actors in the respective cases: Bo has not given an affidavit in favor of Mann who took the initiative in the Rhone-Poulenc case; nor has Eriksen made a statement in favor of defendants Ilgner or Haefliger or Buerger who were most active in the Norwegian case. The defense has made a point that they received no satisfaction upon writing to Mr. Eriksen, director general of Norsk Hydro, and Thomas Faarnley, board member of Norsk Hydro (Ilgner Exh.258, 259). But these defense Exhibits are self-explanatory. The gentlemen involved stated that they had already given their story to the prosecution. Similarly, from the addresses on the affidavits which the prosecution included in its document books (but which were either not offered, or else rejected by the tribunal on motion of the defense as cumulative or improper rebuttal), the defense was in a position to obtain the story of the victims if it chose. For example, the prosecution inserted in its document books the affidavits of the main representatives of the French enterprises on which the Francolor agreement was imposed, namely Duchemin (D.B.56, p.101), Thesmar (D.B.56, p.88), Castets (D.B.57, p.95); of Bo (D.B.60, p.49,51) and Buisson (D.B.92, p.46) in the Rhone-Poulenc case; and of Allier (D.B.92, p.57), board member of Norsk Hydro and director of the Banque de Paris et des Pays-Bas, in the Norwegian case. The affidavits the defense did submit almost exclusively originate with people who, in one way or the other, participated in the crime of

spoliation and are, therefore, in the same boat with these defendants. On the other hand, in all cases in which the prosecution called the owners or representatives of the spoliated enterprises, they have fully borne out the charges made in the indictment. The first example was the affidavit and testimony of Dr. Szpilfogel (P.E. 1159, Tr.2630 sequ.), the 76 year-old owner of the plundered Polish factory Wola. Another example is the affidavit and testimony of the former director of the Aussig-Falkenberg plants Jan Dvoracek (P.E.1123, Tr.3490 sequ.) whose bitterness against these defendants after almost one decade has past, is still fresh in our memories. The same applies to the affidavit of Dr. Antonin Basch, former director general of the Prager Verein, who, at the time, was in charge of the "negotiations" with I.G.Farben (P.E. 1853). He describes the spirit by which these discussions were animated: the big golden swastika displayed by defendant Ilgner, and the reference to the Nazi government to which defendant von Schnitzler threatened to resort. In the same category are the affidavits by the former director general of the Austrian Creditanstalt and the former President of the Skoda-Wetzlar Works, Dr.Johann and Professor Rettenberg (P.E. 1067 and 1068); they fully maintained their charges under cross-examination: Tr. 6829 sequ.; 6874 sequ. (The Austrian and Czech cases are discussed under Count I, in Parts I and VI).

Farben's objections to contemporaneous documents.

(5) Apart from the testimony of the few victims who did give evidence, the prosecution has relied principally upon the contemporaneous documents. To these, the defense has attempted to establish a number of "explanations" which may be summarized as follows: They are either "window-dressing" (see Ambros and ter Meer examination as to Francolor production, Tr. 8044, 8063, 8073, 8083, 13038); even if, on their face, these documents are internal Farben memoranda (P.E. 1911, 1912, 2198). This is claimed even though they were sent by one Nazi authority to the other (P.E. 1907, 1909). Or it is claimed

that they are erroneous or incorrect (Mann testifying with respect to Mann Exh.188, Tr.10400; and Mann testifying as to P.E.1269, Tr.10421). Or it is claimed that certain "remarks" are wrong because they were written just as "a polite formula" (ter Meer testifying as to P.E.2196, Tr. 13223). Or it is claimed that they give only one side of the story (ter Meer testifying as to P.E. 2193, Tr.13215/6). Or it is claimed that the documents were drawn up by a Farben employee who had "journalistic talents" or was "somewhat sensitive" (Zugler testifying as to P.E.1241, Tr. 12676,12690). Or it is claimed that they were written by a Farben employee who was "very young" (ter Meer testifying as to P.E. 1866, Tr.13214). Or it is claimed that they were written by an employee "who probably was not informed about the exact circumstances" (defense witness Schwab testifying as to P.E. 1157, Tr.6063). Going back for a moment to P.E. 1269 which is Farben's record of the first meeting with Rhone-Poulenc, the author of this Exhibit, Werner Schmitz, testified (Tr. 13734) that it was drawn up by him "a week after the meeting in Paris had taken place, and was based on handwritten notes and memos which I made in the course of the meeting on loose sheets of paper". But now, more than seven years after the event, he pretends to be able to explain away some of the entries which he spontaneously made for internal Farben consumption at the time (Tr.13735). In our evaluation of the evidence, we shall generally ignore "defenses" of the type described although we shall sometimes mention that such "defenses" were raised. Suffice it here to point to the fact that not in one individual case the defendants, at the time, objected to the letters or minutes in which, as they now claim, they were misquoted, or their remarks reproduced in a distorted or misleading or erroneous way.

B. NORWAY.

General reference.

(6) The abundance of documents submitted by the defense, the numerous affidavits it introduced, and the extensive direct testimony given by defendants Krauch, Haeffliger, Bueglin, Oster, and Ilgner, may have confused somewhat the real issues before us. We propose, therefore, to briefly review the case of Norwegian spoliation as a whole - apart from the general reference to our Preliminary Memorandum Brief (Part II, pp.31 sequ.) which is also made part hereof.

The two aspects of the case.

(7) Our charges in the Norwegian case are twofold.

First, the spoliation of Norway proper by using her economic potential for the German war effort without any consideration of the local economy (P.E. 1197), and thus exposing Norway and the plants of Norsk Hydro to Allied bombardment (Preliminary Memorandum Brief, Part II, No.26). Second, the spoliation of the French stockholders in Norsk Hydro, Norway's most important industrial enterprise, the majority of which the French had been holding since Norsk Hydro was organized in 1904; P.E. 1208, p.3 (Preliminary Memorandum Brief, Part II, No.37).

First aspect: Spoliation of Norway proper.

(8) The defendants do not deny that Norwegian economy was to be most ruthlessly exploited for the German war effort by the use of her economic potential. True, defendants now try to explain away (Tr. 5468, 9576, 9191) Mayer-Kuester's contemporaneous statement; "The Norwegian economy will be mobilized to work for us" (P.E. 1193). They cannot, however, and do not, object to the contemporaneous report of their lawyer in charge, Mayer-Mogelin, "that the Fuehrer had given orders for the Norwegian aluminum capacities to be reserved for the

requirements of the Luftwaffe" (P.E. 1197). That is precisely what the Hague Convention forbids (Art.52). The far-reaching plans revealed by P.E. 585, 1193, 1197, have now been supplemented by the testimony given by Krauch (Tr.5515), Oster (Tr. 10743), and Ilgner (Tr. 9580). They agree that Norsk Hydro which was mainly involved in this German project, was opposed to the idea of large scale light metal production for the German Air Force (Oster, Tr.10743); that they acted "very much under pressure by Dr. Koppenberg who wanted to force (them) into it" (Oster, Tr.10785); that "a certain pressure was to be exerted upon Norsk Hydro by the Aviation Ministry" (Krauch, Tr.5519); that Norsk Hydro did not believe they could "evade the (Nazi government) suggestion since, otherwise, there would be compulsory measures taken" (Krauch, Tr.5515); and that the aluminum factory was imposed on the Nordisk Løtmetall by Koppenberg" (Raefliger's counsel, Tr.9189). According to the testimony of defendants Krauch and Oster (Tr.5400 and 10750), Norsk Hydro's then director general Aubert applied to individual defendants, among them Krauch and Oster, in order to get help. In spite of that, the German plan was carried out to the full. Light metal, particularly aluminum and magnesium and also cryolite and alumina, were to be produced for the German Air Force, and a "permanent participation" was intended (Tr.8405). Since the available water power was to be diverted to power plants for the planned light metal factories, Norsk Hydro's nitrogen production, if necessary, should be "strangled" for this purpose (P.E. 1195, Tr.5519; also Tr.10746 bottom, 10747).

(9) To sum up the testimony of the defendants themselves: This Norwegian venture on which they embarked was "exaggerated" (Oster, Tr.10743), "economically unsound" (Krauch, Tr.5167, 5515), and involved a "crazy expansion program" (Ilgner, Tr.9580). "Everyone agreed that it was impossible" (Tr.9189). Its distinct purpose was to serve the German Air Force (Tr. 5396). In other words: to enable Norway's conqueror to defeat her allies and, thus, to perpetuate her

subjugation. Its result was to ruin Norsk Hydro's plants, and to lay them in shambles (Tr. 8407; Ilgner Exh. 196, his Book XII A, p.6; Ester affidavit, P.E. 1210). This being so, there is just one question left which runs only to mitigation of the crime; Did Farben participate in such enterprise under Nazi compulsion, threatened by all the evils the Third Reich was able to mete out in case of resistance? Or did Farben participate reluctantly since it felt the project would be carried out anyway? Or did it cooperate wholeheartedly as a full-fledged partner, showing initiative, figuring out its possible profits from the venture, and planning for domination after the war, if not during the war?

(10) The defendants now claim that they acted under compulsion, of course; or, if not under complete compulsion, at least that their participation was only reluctant. Particularly defendant Krauch testified on cross-examination that he felt "under compulsion of the Third Reich to assist with respect to the Norway project"; that Farben also "had to comply with the will of the government"; that they "could not act any differently"; and that "if they had shown any reluctance, it would not have been very healthy for them" (Tr. 5516/17). See also Haefliger (Tr. 9185). The contemporaneous documents, however, written by, or addressed to, these very defendants, establish the contrary. Rather than reviewing the many documents submitted by the prosecution in Book 65, we just refer to P.E. 586, letter of defendant Burgin and Ilgner's affiant Maschel to defendants Schmitz, ter Meer and others, of 23 October 1940, revealing the entire program of Goering, Udet and Keppenbergs concerning the "large scale expansion of the Norwegian aluminum production". It should be noted that this letter primarily deals with aluminum, that is such part of the planned Norwegian production which

now defendants are denouncing most. *) Far from expressing any criticism or reluctance, Buergin and Moschel applauded Krauch's suggestions with respect to the participation of Farben. They all agree that a "decisive participation by Farben in the aluminum development may become the key factor in Farben's control of these water works. This step would be of far-reaching import for the development of the whole light metal industry field in which Farben is entitled to leadership by reason of its pioneer work and financial sacrifices". (P.E. 586, n.2; underscoring on the original). Having given more reasons why Farben's participation is urgently required in the interest of Farben, the letter concludes that, in the Norwegian corporation to be organized, a Farben participation of 55% is "recommended". By these recommendations, defendant Krauch, on his own initiative, far exceeded his government assignment since, according to his statement on cross-examination, he "was not charged officially. ... I did not have technical supervision in this matter. I merely had to advise Koppenberg whether the process suggested ..." (Tr.5515). That Farben should participate in the project in the way just set forth (quotation from P.E.586, supra), was, therefore, Krauch's own personal suggestion which he made in his capacity as a board member of Farben, and not on any government initiative, let alone pressure. The same applies to the sender of the letter, defendant Buergin. The entire Farben Vorstand was, again, fully advised - this time by defendant Haefliger and Ilgner's affiant Moschel - of the German plan in Norway, and more particularly of the Air Ministry's

*) As far as the planned magnesium production in Norway is concerned, defendants would not seem to assert pressure. As to the initiative, their statements are contradictory. Haefliger in his affidavit (P.E.200) points to Farben; in his testimony (Tr.9438) he follows defendant Krauch's version (Tr.5400) that Norsk Hydro itself took the initiative. Buergin, however, (Tr.8406), and Ilgner's affiant Moschel (Ilgner Exh. 196) ascribe the initiative to the German Air Ministry on whose order Farben contacted Norsk Hydro. - As to the over-all picture, the contemporaneous document, P.E.1200, is noteworthy where Ilgner reminded the Farben Vorstand that "Norsk Hydro has undertaken a participation in Nordisk Løtmetall in present circumstances mainly at our wish and in reliance on Farben" !

request for the erection at Haroen (biggest Norsk Hydro plant) of factories producing aluminum, alumina, and cryolite. This one project amounted to approximately 160 million Norwegian Kroners. "After a detailed discussion in which it was emphasized that I.G. has considerable interest in gaining a firm footing in Norway, especially in view of the extensions planned in important hydraulic works there, it was resolved to conduct further negotiations in such a way that we should follow up the Haroen project on the basis of a 51% I.G. participation, with a 49% participation for Norsk Hydro". Again, it should be noted that this plan was not restricted to magnesium but embraced "the entire construction program" (P.E. 1193, minutes of Vorstand meeting of 5 February 1941, signed by defendants Schmits and Brueggemann). After the decision had, thus, been made on principle, Farben vied with the Reich agencies for as large a participation as possible (P.E. 1195); claimed economic leadership while the Reich wished to confine Farben to technical advice without "recognizing I.G.'s economic control" (P.E. 1195); and acted in such a way that it deserved the praise of Goering's outstanding representative Dr. Koppenberg who emphasized "Farben's achievements hitherto in the field of armament production", and especially praised "the promptitude and speed with which Farben had always acted and constructed, without waiting for contracts to be signed" (P.E. 587). After the foundation was laid for the light metal corporation, and the share in it had been equally divided between I.G. Farben, the German Air Ministry, and Norsk Hydro, defendant Ilgner sent his "strictly confidential" letter of 15 September 1941 to all members of the Farben Vorstand. Believing "that the moment has come to include ... the wishes and suggestions concerning the enterprises called into life by German industry which, at present, are mainly connected with electric power, the production of light metals, and coal mining", he attaches his Norway memorandum which was to become part of Farben's New Order Norway (P.E. 1191, p. 29 sequ.). Utterly ignoring the requirements of Norwegian economy, he emphasizes that the operation of

the light metal plants in Norway is of vital importance to Germany; that they depend on the supply of power at reasonable prices; that, therefore, 99 years' contracts should be entered into between the light metal plants and the Norwegian electric companies; and that such "power plants will be bound to offer their available power, in the first place, to the light metal plants. ... If necessary, the light metal plants will be entitled to take over control of the power plants themselves". (P.E. 1191, p.31). The entire document is most revealing,

(11) All these steps - Krauch's and Buergin's recommendations of 23 October 1940, the resolution passed by the Farben Vorstand on 5 February 1941, and Ilgner's suggestions of 15 September 1941 - clearly rebut the story of any government pressure forcing Farben to participate in this venture. Whatever measures Farben took since the Norwegian light metal plan came up, they were certainly not the reaction of a reluctant "fellow-traveler". Rather they show the eagerness and initiative of an enthusiastic supporter. The Farben officials, therefore, can claim no mitigation for their participation.

(12) There is just one group of so-called defenses left which may deserve some comment: That Farben procured a 1/3 participation in the light metal corporation for Norsk Hydro itself (Ilgner Exh. 196, 197); that it treated the Board of Norsk Hydro friendly and decently (Ilgner Doc. Book 12A, Ilgner Exh. 197 p.13; Ilgner Exh. 199, p.30); that, when the light metal plant was bombed out with a resulting loss for Norsk Hydro of more than 50 million Norwegian Kroners (Ilgner, Tr. 9659), it was Farben which urged the Nazi authorities to make good for the loss (Ilgner Doc. Book 12 A, Ilgner Exh. 196, p.7; 197, p.17; 199, p.36; 204; 205; 206; 210, p.63); and, finally, that the equipment and machinery shipped to Norsk Hydro by the German partners including Farben, remained there so that Norsk Hydro was more than compensated for the damages it suffered (Tr. 9659; Ilgner Exh. 197, Book XII A, pp.20/22). Most of the material submitted in this connection was introduced at

a time when, according to the court calendar, the documents were beyond rebuttal and the affiants beyond cross-examination. But we may take them at their face-value; they prove nothing by way of defense nor do they show anything deserving consideration in mitigation of the offense.

(a) Norsk Hydro's one third participation in Nordisk Løtmetall: In the course of this light metal venture, a second goal was attained: Norsk Hydro had become an enterprise under German "control" (expression used by Farben at the time; P.E.1199, p.3), with Farben the leading partner (13, infra). Letting Norsk Hydro participate in the light metal corporation was just a means to have Norsk Hydro's capital stock increased; and the increase of its capital stock was, in turn, a means of acquiring control (13, infra). True it is, there was a participation of the German Reich or its agencies in both Norsk Hydro's capital stock and the light metal corporation. But even this Farben considered as a temporary evil only in that it hoped for, and was even promised by the Reich, a later "reprivatization" to the effect that Farben could acquire the share of the Reich (Haeffliger, P.E.2000, p.2 bottom, Tr.9187; Ilgner, P.E.1209, p.3; see also Meyer-Wogelin, P.E.1211). In the last analysis, therefore, whatever Farben had Norsk Hydro acquire, it acquired for itself.

(b) Treatment of Norsk Hydro's Board: On the same basis Farben was, of course, interested in establishing or maintaining friendly terms with Norsk Hydro's Board. The Board members were competent and well reputed, Norsk Hydro itself now an enterprise under German "control", with the expectancy of its becoming another Farben affiliate after the war. There was no reason, therefore, to antagonize the local management, as long as, in the plight in which it found itself, it did not interfere with the light metal production and Farben's desire to acquire a dominant role.

(c) Indemnification after the plants were bombed out: Any indemnification paid by the German Reich to the light metal corporation was to Farben's immediate advantage. One third belonged to Farben

itself, another one third to Norsk Hydro, the position of which we have just outlined. The more the German Reich contributed to the damages sustained by Nordisk Løtmetall, the better for Farben. In fact, however, no such payments were made (Ilgnor D.B.XII A: Exh.196,p.7; Exh.197,p.17; Exh.210,p.63).

(d) German equipment left with Norsk Hydro. While it is not disputed that Norsk Hydro's loss in this light metal project surpassed 50 million Norwegian Kronere (Tr.9659), Ilgnor asserts in "defense" that "the factories were in Norway, and the Norsk Hydro had the control of them" (Tr.9659; see also Ilgnor Exh.197, his Book XII A, pp.20-32). We will not burden the Tribunal with an analysis of the evidence establishing that Norsk Hydro lost considerably by the whole affair. It is sufficient to point out that it is no defense to exploitation of a country and robbing of its people to assert that the exploiter and robber was caught in the act and fled, leaving behind some of the loot and some of his tools.

Second aspect: Spoliation of the French majority holders in Norsk Hydro.

(13) The evidence has shown beyond any reasonable doubt that the French stockholders in Norsk Hydro were deprived of their majority participation against their own will, and that, in consequence, the majority was taken over by a German group, outstanding among them I.G. Farben. It has also been shown that, shifting the majority share in Norsk Hydro from the French to the Germans was one of the major purposes of the Germans, among them I.G.Farben, when they increased the capital stock of Norsk Hydro and organized the new light metal corporation, Nordisk Løtmetall (see Preliminary Memorandum Brief, Part II, No.27). Most of these facts were admitted by defendants in their statements before the trial started. Towards the end of the trial, however, they undertook to deny everything, even those factual circumstances which, taken by themselves, did not constitute a crime, e.g.,

the fact that the French were holding a majority in Norsk Hydro before the war (Ilgnar Exh.197, Book XII A, p.12; Ilgnar Exh.210, Book XII A, p.51; also Tr.9742; Oster, Tr.10749). They also deny that the increase of Norsk Hydro's capital stock was carried through without the approval of the French (Ilgnar Exh.210, Book XII A, p.54; referring to his Exhibits 229, 230); that the steps taken by the Germans resulted in a German or German-controlled majority (Ilgnar Exh. 199, 210; also Tr.9624); and, finally, that there had been an *i n t e n t i o n* on the German side to create such majority. As to the last point, the defense has introduced Ilgnar Exh.197, a sworn statement (questionnaire) by Julius Franz when he was no longer exposed to cross-examination. Franz was very bold and blunt in answering the question as to whether the increase in Norsk Hydro's capital stock was effected for the purpose of transforming the alleged French majority into a minority. "This supposition" he said "is, in my opinion, completely absurd" (Ilgnar Exh. 197, Book XII A, p.12 ; compare Ilgnar himself on cross-examination, Tr. 9646/7).

Starting with the last mentioned point, we can very briefly summarize the evidence as follows:

- (a) The "absurd" idea to use the increase in Norsk Hydro's capital stock for creating a German majority first appears from Dr.Kersten's *) note to defendant Ilgnar of 18 March 1941, entitled: "Increase of Capital Stock for Norsk Hydro". Here he says: "During the conference, both the Norwegian and German parties expressed their desire to increase the influence of the Norwegian and German capital participation". (P.E.1203). It is put as follows in another memorandum by Dr.Kersten of 29 March 1941, entitled: "Collaboration of the German Industrial Groups in the Sphere of Light Metals / Increase of Capital of the Norsk Hydro":

*) Dr. Kersten was "Farben Prokurist and one of the leading men of F.V.7 (Ilgnar's office), specifically the Central Finance Administration", Tr. 9580.

"... the final purpose being to create, by further financial transactions, a German majority in Norak Hydro". (P.E.1204, emphasis supplied).

This note, according to its distribution list, was sent, a.o., to defendants Krauch, Schmits, ter Meer, Buergin, Haefliger, Oster, and defendant Ilgner. The record does not show that any of them, defendant Ilgner included, expressed at the time his opinion as to the "absurdity" of inter-connecting the increase of capital stock in Norak Hydro with creating a German majority. Quite to the contrary: Ilgner, with the knowledge and approval of the other defendants named, cooperated to the full - and did create such majority (infra, c).

- (b) That the French held the majority when World War II started, not only appears from the Prosecution Exhibits just quoted, but also from Ilgner's Exh. 226 which is a Farben letter to Norak Hydro, signed Oierliche and Kersten, of 3 July 1941, reporting on the conference between Ilgner and others with the Banque de Paris et des Pays-Bas. It is stated therein:

"In this connection the representatives of the Banque de Paris have informed us that 66% of the capital of your company (= Norak Hydro) is in the possession of Frenchmen, a fact which is of importance in connection with the distribution of the subscription rights, as far as these might possibly not be exercised or sold to the German group". (Ilgner Exh.226, Book XII A, p.94).

See also the joint statement re: Norak Hydro of 12 August 1945, signed Ilgner and Bachan (P.E.1205, p.6), where the French share up to 1941 is indicated as being 64%.

- (c) That, as a result of the steps taken by the German group including Farben, the French had lost their majority in favor of the Germans, with Farben holding the lion's share, is shown by P.E.1207. Defendant Ilgner seemingly disputes this fact. It appears, however, from his own affidavit (Ilgner Exh. 210) that the only major difference between his computation and the figures presented by the prosecution consists in his deducting the 2% or

10% held by I.G.Chemie (Ilgnor Exh. 210, his Book XII A, p.51), while the prosecution, in conformity with contemporaneous documents,*) took I.G.Farben and I.G.Chemie together. Including I.G. Chemie's 9%, Ilgnor himself (in the column 1941/1945) has three items which alone sum up to more than 50%, t.w. Farben 21%, Bank of German Aviation 21%, and I.G.Chemie 9%.

(d) It results from the foregoing that the French stockholders had built up the Norwegian Norsk Hydro corporation at the beginning of the century; that they continually held the stock majority in this enterprise up to the second World War; and that they were deprived of their majority in connection with the increase of Norsk Hydro's stock capital whereby the majority shifted from the French to the Germans. Farben's leading part in these transactions has not been disputed (P.E.1201, 1203, 1204, 2000; Ilgnor Exh. 196, 197, 211). The only defense interposed in this connection is the alleged approval of the victim itself, i.e., of the French stockholders, allegedly represented by the Banque de Paris et des Pays-Bas. This defense has been raised particularly by defendant Ilgnor who has also introduced, at the end of the trial, about 75 documents in this connection, among them a number of affidavits including his own. Since his affidavit (Ilgnor Exh.210) shows the affiant's lack of veracity, this defense shall be dealt with in the brief on defendant Ilgnor's individual responsibility. In this general brief, we confine ourselves to just emphasizing the following facts which need no further comment:

- (1) that the general meeting of Norsk Hydro's stockholders which approved of the increase in Norsk Hydro's capital stock and of its participation in the planned Norwegian light metal corporation (later styled Nordisk Løtmetall), was not attended by

*) See, e.g., Kersten's note, P.E.1203, where he speaks of the 25% owned by "the group I.G./I.G.Chemie".

any French stockholders or their representatives (Ilgnor Exh. 210, Book XII A, p.54);

- (2) that Ilgnor's office had advised them before such meeting took place: "For the defense and safeguarding of the rights of the French stockholders it is not absolutely essential for all of them to be present". (P.E. 2020); *)
- (3) that, as late as 19 November 1942, i.e., almost 1½ years after the fatal participation of Norsk Hydro in Nordisk Løttnetall and the increase in Norsk Hydro's capital stock were passed upon by Norsk Hydro's stockholders excluding the French - that even at that time the French stockholders were not yet sufficiently informed "about the participation of Norsk Hydro in Nordisk Løttnetall" (Eriksen's letter to Ilgnor, P.E. 2021).

As a footnote to this aspect of the spoliation involving both Norway and the French stockholders in Norsk Hydro, a passing observation may be appropriate. Although the tactics used with respect to the French stockholders were a little more subtle than those used in the Francolor and Rhone-Poulenc cases, Farben played its cards in the game of financial participations, with the assistance of the Nazi authorities, quite as adeptly and as successfully. The stockholders of the occupied country fell to the role of subordinate minority participants; Farben climbed to the position of an increased participant, with the expectancy of becoming the dominant stockholder in the event Germany won the war, and the interests of the Reich were "reprivatized". This was the old Farben game of playing both ends against the middle. The persons in the middle were the nationals of the occupied countries whose economic resources were exploited for the Nazi armed might, and whose stockholders were merely asked to be minor pawns in the service of the conqueror.

*) P.E.2020 which is self-explanatory, and particularly the above quotation, rebut Ilgnor's statement (his affidavit, Ilgnor Exh.210, Book XII A, p.56) "construing" this Prosecution Exhibit.

C. FRANCOLOR.

(14) Reference to Preliminary Memorandum Brief.

By the Francolor agreement, Farben subjugated important parts of the chemical industry of France, among them her entire dyestuffs industry. In our Preliminary Memorandum Brief (pp. 36-42) we have shown, on the strength of the evidence submitted in our direct case, that the agreement was spoliative in its scheming, its scope, and the manner of its execution. By the evidence submitted in the defense case by both defense and prosecution, and by the admissions of individual defendants in their testimony before the court, the charges of the prosecution have been corroborated and borne out up to the last minute detail. We shall not redevelop, therefore, the over-all picture of the Francolor spoliation, but refer to our Preliminary Memorandum Brief (pp. 36-42) in its entirety. Since, however, the defenses interposed by different defendants, more particularly by von Schmitzler, ter Meer, Eugler, and Ambros, are partly identical or overlapping, we propose to deal with them generally in this brief, and later refer back to it in the individual briefs concerning the said defendants.

(15) Major "defenses" interposed by Farben.

The major "defenses" in the Francolor case can be summarized as follows:

- A. Farben's "claim to leadership" was based on historical reasons and confined to the field of dyestuffs (Eugler, Tr. 12702; Kuepper, Tr. 6047).
- B. The French industrialists entered into the Francolor agreement on their own free will. No pressure was used against them. (Ter Meer Tr. 13010, 13012; Eugler Tr. 12691, 12791, 12816; Kuepper Tr. 5999).
- C. The evaluation of the French plants and the price paid by Farben were fair and adequate. The French considered the fact that the

price was being paid in Farben stock rather than in cash

"extremely advantageous" (Ter Meer Tr. 13010; Eugler Tr. 13695; Kuepper Tr. 6009, 6010, 6024; von Schnitzler Exh. 62, 63, 64, 85).

- D. The Francolor agreement worked out most satisfactorily for the French. The production of Francolor was widely used for the French domestic market, only negligible parts having been shipped to Germany for the Wehrmacht (Ambros, Tr. 8010, 8011, 8012, 8014; Kuepper Tr. 6011, 6022; ter Meer Tr. 13006, 13009, 13036, 13038, 13039, 13186, 13215; ter Meer Exh. 247, 414; Ambros Exh. 172; von Schnitzler Exh. 56, 71, 79, 86).

Most of these allegations are irrelevant as a matter of law. All of them without exception, as a matter of fact, have been rebutted by overwhelming evidence.

(16) Comment as to A: "Historical" reasons.

For its subjugation of the entire French dyestuffs industry and many other chemical sectors, Farben advanced at the time, and has been repeating now, one argument: that there were good "historical" reasons for such step. They are based on the fact that, after Germany lost the first World War, the French sequestered affiliates of Farben's parent corporations in France. Even in their plight after 1940, the French industrialists pointed out that, if this were a sound basis for taking away industries in other countries, the French could as well go back to the time before 1871 and restore, in their favor, the conditions as they existed at that time between German and French industries (P.E. 1853; Kuepper Tr. 6031). Besides, it has been shown that one of the parent companies of Francolor, namely St. Denis, had in no way profited by the sequestration of Farben branches after 1918 (P.E. 1853; Kuepper, Tr. 6031). Farben was fully aware of this fact, and still extended its "claim to leadership" to St. Denis as well (P.E. 1051, p. 14; P.E. 1245, p. 4). Furthermore, Farben did not confine its claim for a majority share in French industry to the field of dyestuffs, their inter-

mediates and auxiliary products (compare Eugler, Tr. 12702), but also extended it to the organic chemicals which happened to be produced in the parent companies". See P.E. 1885; these are minutes of a meeting held under ter Meer's chairmanship on 22 May 1941. While ter Meer held against these minutes that their author was "very young" (Tr. 13214), he admitted that "the Francolor agreement then was more extensive" (Tr. 13041), i.e., embraced more than dyestuffs and their intermediates. (See also Francolor Convention itself, P.E. 1255, Articles 18-20, and particularly the correspondence between defendants von Schnitzler and Eugler, P.E. 2153, p.2 after No.6, and P.E. 2143, first paragraph; Eugler's attempted explanation, Tr. 12929/30). The so-called "historical" reasons are, therefore, just a pretense (see also Kuepper, Tr. 6033). Apart therefrom, whatever happened after 1918, was long since settled by comprehensive mutual agreements between Farben and the French dyestuff factories, including Etablissements Kuhlmann and St. Clair-du-Rhone. After these agreements had worked for ten years, von Schnitzler himself, in 1937, expressed his full satisfaction that these agreements

"have proved in these past ten years how successfully Germans and Frenchmen were able to cooperate for their mutual benefit". (P.E. 1854).

In fact, part of the "historical" reasons are based on Farben's belief of the German superiority as it was expressed by defendant ter Meer when he quoted Mussolini's government as telling the Montecatini enterprise: "We will permit you to take over this firm only if you get together with the people in the world who understand something about the dyestuffs business, and that is the Germans" (Tr. 13047).

(17) Comment as to B: Pressure.

(a) The sorest spot for these defendants is the overwhelming pressure they used in order to force the Francolor agreement on the French industrialists. It is, therefore, this field in which they tax our credulity most. The prosecution has shown in

its direct case that it was these defendants, outstanding among them von Schnitzler, ter Meer, and Kugler, who took the initiative against the French dyestuff industrialists; who conceived the tactics to be used against them; who urged the Nazi authorities, both military and civilian, to starve out the French dyestuff industry before and after "negotiations" started; who particularly saw to it that they were not allowed to resume production, that they were not allocated raw materials, and that they could not export to unoccupied France (see Prosecution Exhibits listed in the Preliminary Memorandum Brief, p.38 sequ.). What defendants and their witnesses have said in their defense (particularly defendant Kugler, Tr. 12691, 12816; see also ter Meer, Tr. 13010; and defense witness Kuepper, Tr. 5999), is so manifestly untrue and so clearly rebutted by the documents before the court that we do not propose to take them up in any detail here. A very few of their most conspicuous contradictions will be dealt with in the individual briefs. We shall confine ourselves here to discussing just three major points.

(b) We know from contemporaneous documents and from admissions, particularly of defendant ter Meer, that after the Armistice the French dyestuff industry was in a desperate plight, and that Farben was fully aware of it. One of the crucial points was the loss of markets due to German occupation or even "annexation". Having first referred to the "very difficult" situation of the French dyestuffs industry before the war, ter Meer stated:

"The events of the war ... caused the French to suffer losses in sales if one only thinks of the removal of the markets in Lorraine and Northern France, large textile areas which all need dyestuffs. Added to that, there would have come about losses in export". (Tr. 13047).

See also ter Meer, Tr. 7226.

It is in this light that we have to consider the measures undertaken after the Armistice by the defendants and their

Paris representative, Dr. Kramer. *) In chronological sequence, these were their major steps:

29 August to 5
September 1940
(P.E. 1241, p.14)

Defendants Mann,
Eugler and others
call on different
Nazi authorities.

"In this connection, it is important that Dr. Bard (Office for Chemical Merchandise, Brussels) was advised of I.G.'s application not to admit at present the resumption of production by the French dyestuff producers. Dr. Bard has promised to take, in his turn, a negative attitude if the Kuhlmann factories should apply for a license ...".

12 September
1940
(P.E. 1242)

Eugler's letter
to Forhaar.

"This gentleman (Dr. Bard) is competent for the control of supplies in the departments of Pas de Calais and Nord, and was informed of Farben's proposal not to allow manufacturing to be resumed in French dyestuff factories in the meantime. Dr. Bard agreed to reject any applications for heavy chemicals from the Kuhlmann factories ...".

28-30 November
1940
(P.E. 1246, p.2).

Eugler's report to
von Schnitzler,
for Meier and
others.

"I.G.'s wish for tactical and material support is understood (i.e., by Dr. Michel, Paris). There is readiness to comply and to see that ... the French production facilities, at least, are not improved, and that no alleviations are offered to production which might weaken the opponent's will to negotiate. ...".

*) Kramer was not called as a defense witness. That he was available is shown by the fact that he certified that his signature appeared on the original of a number of documents which the prosecution offered as Exhibits (PE 1243, 1249).

5 March 1941
(FE 2148).

File memo, initialed
Dr. Kuepper, on
telephone conversation
with Kramer.

"Dr. Kramer reports that he
spoke to the Minister of
Production Puchoux. The
Minister ... rejects a 51%
participation.
He (Kramer) feels it is
necessary first to put the
French agencies under pressure
before taking up further
discussions." (*)

As it appears from the chronological list, Farben initiated these measures by which it aimed at the jugular vein of the French dyestuff industry, as early as August 1940. In order to have the full impact of these measures develop, Farben also delayed the beginning of negotiations (FE 1259; 369; 1243; 2144, p.2 of original). These documents, together with the confirmation of defense witness Kuepper (Tr.6035/6), rebut the testimony of both defendant Kugler (Tr.12663, 12687, 12704) and defendant ter Meer (Tr.13057) as to who took the initiative in procrastinating negotiations with the French industrialists.

(c) With the tremendous pressure thus having been proved beyond any doubt, it follows that the French industrialists cannot, at the same time, have entered into the contract voluntarily. In fact, they left no doubt about their real position as to what ter Meer now calls "this very agreeable and pleasant contract" (Tr.13012; see FE 2194, 1248, 2193, 2149, 2150; The last two documents also show that Farben was fully aware of how the French really felt. That defense witness Kuepper has

"seldom seen a happier or more satisfied man than
Mr. Fressard in his enormous office on Avenue
de George Sand in Paris, at his desk, sitting in a
corner, the proud general director of a dye concern"
(Tr.6022; see also ter Meer, Tr.13003),

is certainly no indicia to the contrary. The prosecution has no mature

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- *) Kugler's attempted explanation: see Tr.12831/2. As a matter of fact, FE 1253 shows how quickly and efficiently this pressure had been exerted. The same Puchoux having spoken to Dr. Michel in the meantime (FE 1253, p.2) now (12 March 1941) agreed to Farben's 51% share (FE 1253, p.4) ! .

judgment of its own concerning Mr. Frossard; but if the contemporaneous statement of defendant Eugler (PE 1386, p.6), the statement of defendant von Schnitzler (PE 1259, p.11,14), and the testimony of defense witness Kuopper (Tr.6020: "I was told only recently that Mr. Frossard was convicted of collaboration, and that he fled to Switzerland"), are to be believed, he cannot be considered to reflect the French viewpoint or the opinion of the other industrialists involved. Besides, the pressure exerted against Frossard himself is shown by overwhelming evidence (PE 1243, 1249, 1251).

(d) The real attitude of the two groups who entered into the Francolor Convention is even better shown by comparison of two other contemporaneous documents. In view of the 51% share which Farben, in May 1941, was certain it would procure (PE 1250), for Kier called Francolor Farben's "subsidiary" long before it was even organized (PE 1385, p.2 bottom). Accordingly, Farben was interested in having both groups convey as many rights as possible to Francolor. On the other hand, the French rightly considered the planned Francolor company as no corporation of their own but as an instrument of Farben's power imposed on them in the wake of German occupation. As best they could, they resisted, therefore, each and every increase in the rights to be granted to said corporation. Their feelings are best illustrated by the contemporaneous analysis made by Dr. Kramer who reported to defendant von Schnitzler on 12 May 1941 that the French attitude towards Francolor can be characterized by applying

"the short formula: all duties but no rights and securities for Francolor". (PE 2153, No.3).

(18) Comment as to C: Price.

(a) The adequacy of the consideration has no possible bearing on the issue before us. It has been established (A, supra) that the French were not willing to part with their property. From beginning to end, i.e. from the first Wiesbaden meetings with

the Germans where the French called the German demand a "dictate" and the proposed agreement "an alliance imposed on them by Farben" (PE 2194), up to the signature of the Franco-German agreement itself where they insisted on, and succeeded in, inserting the famous preamble, they never changed their mind. The wrong done them by taking away their property against their will cannot be remedied by paying them a purchase price, be it high or low. That they were going to lose their property to I.G. Farben, was an established fact before they even met Farben's representatives at Wiesbaden, let alone had discussed the so-called purchase price. As early as October 1940, Farben had won the support of the Nazi authorities for its tactics under which the French industrialists were given the impression that they could not resume work without the "help" of Farben (von Schnitzler's letter to Mulert of 23 October 1940, PE 1244). In an affidavit concerning the first Wiesbaden meetings, defendant Eugler later stated that the French

"were not allowed to think that, if they denied the claim to leadership, everything would remain as it was. In other words: the refusal of the claim to leadership seemed impossible".

(PE 1256. This affidavit is almost identically worded with Eugler's contemporaneous statement, PE 1886, p.2 bottom).

After this basis was laid, the adequacy of the "purchase" price subsequently fixed cannot influence the issue. Instead of elaborating on this basic principle of law, we shall confine ourselves to quoting a statement which the presiding Judge of this tribunal made in another connection:

"... if it (the property) was forcibly taken, the question whether it was paid for afterwards would not be very important. The man who steals my property is not going to make the act lawful by coming around afterwards and paying for the property he has stolen".

(Tr. 9056/7).

(b) As a matter of fact, however, the purchase price was neither adequate nor adapted to the interests of the French. That the figures were arrived at in such way as to benefit Farben is shown by the contemporaneous statement of von Schnitzler on the German-French

discussion of June 15-19, 1941 (Schnitzler Exh. 52, Book III, p. 45):

"In view of the fact that all stocks were taken over on the basis of pre-war cost prices - a very advantageous form of settlement for I.G. - it appeared advisable to accept in principle the proposal of the French group (i.e., concerning the evaluation of Farben shares) ..."
"The French group is ready to give way in the matter of the theoretical difference which still remains to their disadvantage".

And also on page 46:

"This settlement may be considered very favorable".

See also PH 2153, p. 3 of which is noteworthy in this connection.

Even this reduced amount was not being paid in cash.

The true reason therefor appears from Dr. Kuepper's statement in cross-examination (Tr. 6042) where he confirmed that

"under no circumstances were the French to be given any free capital which they could have re-invested in order to acquire further independence from Farben".

That is why they were given Farben shares which, in addition, they were not allowed to sell.

(19) Comment as to D: Francolor Production.

(a) The production of Francolor is a collateral issue only. While there were opposing armies in the field, I.G. Farben, with the help of the Nazi military authorities, brought the French industrialists into the most desperate plight, and imposed on them an agreement under which they had to surrender the majority share in their entire dyestuffs interests and related industries. This constitutes the act of spoliation which has been charged in the indictment. Assuming that, having achieved its purpose, Farben used Francolor, its now subsidiary, for peaceful production or for any profitable business not connected with the war effort; it would not even mitigate the crime. It would just mean that they tried to harvest the fruits of their crime by having Francolor produce as lucratively as possible. The truth, however, is otherwise. The evidence has shown that, as soon as the French industrial enterprises were made a subsidiary of

Farben, they were used, almost exclusively, for Germany's military efforts, Germany's economy, and for furthering her aggressive wars.

(b) In order to confuse the issue, Farben, during the trial, continually fought charges which we have not made. The prosecution has not asserted that Francolor was called upon to produce, or did produce, gunpowder, explosives or chemical warfare agents. (Pointless, therefore, the repeated denials of Ambros, Tr.8014, 8015, 8063; ter Meer, Tr.13038, 13215). As a matter of fact, Farben had not the confidence in the subjugated French for entrusting them with the manufacture of products other than those

"which were important for the war, but which did not have to be kept especially secret". (FE 1907).

Likewise, the prosecution has not alleged that Francolor's production for the German Wehrmacht was all shipped to Germany. In fact, large parts were used for the German Wehrmacht, Army and Navy alike, within France (FE 2198, p.1, third paragraph). Therefore, all statements are misleading which just assert that the Francolor production, or large parts of it, remained "in France" (ter Meer, Tr.13039; Ambros, Tr.8059; ter Meer Exh.275; von Schnitzler Exh.86). What we did allege, and what we have proved fully, is the fact that, from the outset, the entire Francolor production was subordinated to German interests (FE 1250, 1907-1912, 2198); that it was principally used for direct and indirect German Army requirements (FE 1337, p.3); that some of its plants were converted "to a definite armament factory" (see, with respect to St. Denis, FE 1909, p.4); and that Farben itself suggested to the Nazi military authorities the use to be made of the Francolor plants in furtherance of the German war effort (FE 1907, 1909, 1910, 1911). By thus using the Francolor plants for these German army needs which required less skill and secrecy and more manual labor, Farben was trying, as defendant Ambros wrote to the High Command of the Armed Forces on 15 April 1942,

"to release our own German labor for plants on the fuel, buna and powder program which are of decisive military importance.

Heil Hitler!
Obediently,
Dr. O. Ambros. "
(PE 1908).

See also von Schnitzler's contemporaneous letter to Dr. Ritter:

"The Francolor works, insofar as they are situated in the occupied territory now work in the organic intermediate field to a large degree directly for the armament economy, and, moreover, the production of dyestuffs, limited as it is to-day, also serves in the last analysis the war economy by primarily supplying the textile and other industries working in France for the German army with dyestuffs, which otherwise we would have to manufacture in Germany, with German raw materials and labor."
(P.E. 1337, p.3).

(c) In view of the entire issue being collateral, we do not propose to deal with Francolor's production extensively in this brief. We shall just single out the most detailed description of Francolor production which is contained in the affidavit of Farben's department head in Leverkusen, Berthold Wunk (ter Meer Exh. 247, his document No. 72, Book III, p. 64 sequ.), under No. 3-5. It should be recalled that Wunk lists the products manufactured by Francolor after he stated that

"there was an obvious will to modernize the French plants to a status corresponding to that of the modern I.G.";

and that he particularly credits defendant ter Meer for having given "his express approval" that Francolor receive the production processes and technical data connected with the manufacture of such products. We shall now set forth the individual products in the order chosen by Mr. Wunk (omitting duplications), and show opposite each product the use to which, on the strength of contemporaneous documents, the products were actually put:

(1) Dyestuffs: Camouflage and SS *) requirements; also: for the German Army.
(PE 1914, p.1 bottom and p.2; PE 1337, p.3).

*) According to Ambros's interpretation, "SS" stands for "particularly urgent" (Ambros, Tr. 8069).

- (2) Monochlor acetic acid: Direct and indirect army requirements.
(PE 1907, p.2
1908, p.4
1909, p.2
1912, p.1).
- (3) Vulcanisation accelerators
(catalysts). Indirect army requirements.
(PE 1909, p.2).
- (4) Mononitrosaphtalene: Direct and indirect army requirements.
(PE 1908, p.4
1909, p.2
1912, p.1
2198, p.1.
See also PE 2197).
- (5) Caurit: Direct and indirect army requirements.
(PE 1907, p.2
1908, p.4
1909, p.2
1912, p.2).
(Caurit glue also being emphasized by Loehr, ter Meer Exh.275, his Doc. No.96, Book XIV, p.15)
- (6) Alkydale resins: Direct and indirect army requirements.
(PE 1907, p.2
1908, p.4
1909, p.2
1912, pp.2,4).
German Navy.
(Ambros Exh.172, Doc.No.801, Book VIII A, p.5, point 6).
- As to synthetic resins, ter Meer particularly boasts of their increased production in Francolor (Tr.13037). In fact, they were used for the German Navy program (PE 2198, p.3).
- (7) Phthalic acid: German chemical industry.
(PE 1909, p.4).
(Also stressed in Wenk's affidavit, Ambros Exh. 173, D.B.VIII A, p.6).
- (8) Formaldehyde: Direct and indirect army requirements.
(PE 1908, p.4
1912, p.2).
- (9) (Fest control agents.)
- (10) Pentaerythrith for alkydale resins: As to alkydale resins, see above, Fo.6.
As to pentaerythrith: direct army requirements.
(PE 1909, p.2).
- (11) Pigment green: Indirect army requirements.
(PE 1907, p.2).
- (12) Fatty alcohol: Indirect army requirements and Zehrl-Schieber Plan.
(PE 1912, p.3).

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <p>(13) <u>Textile auxiliary products;</u>
 (also being stressed by
 Loehr, ter Meer Exh. 275,
 his document No. 96, Book
 XIV, p. 15 bottom).</p> | <p>Indirect army requirements.
 (PE 1909, p. 2
 2198, p. 3 bottom).</p> |
| <p>(14) <u>Famasit:</u></p> | <p>Indirect army requirements.
 (PE 1907, p. 3).
 Kehrl-Schieber Plan
 (PE 1912, p. 3).</p> |

The list is self-explanatory. To be added are the products not mentioned by Wenk of which defendants Ambros and ter Meer admit that they were being produced for the German Army: Centralite and diphenylamine (Tr. 13038). How completely the Francolor plants were incorporated into, and constituted part of, the German armament program, is also shown by PE 1867, 1911, 1912, 1914, 1915, 2197, 2198. On the strength of these facts, we can properly evaluate the pertinent question and answer concluding the production part of defendant ter Meer's cross-examination:

"Q. In view of the statements you have just made with respect to Francolor production during the war, is it not a completely fair statement to say that this production program in France, and as it was carried out in France, was directly and unequivocally related and integrated with Germany's war production program ?

A. Yes. "

(Tr. 7238; compare ter Meer's comment, Tr. 13214, 13215).

Ter Meer's unambiguous admission is fully in line with the contemporaneous letter by the Commissioner Appointed by the Wehrmacht for Gunpowder and Explosives in France to the High Command of the Armed Forces of 17 March 1942. Commenting on the "use of Francolor plants for direct and indirect needs of the Armed Forces" and on the suggestions of Farben "acting in accordance with the proposal of the Army Ordnance Office", he reaches the conclusion that "the entire personnel of the Francolor plants which amounts to 3500 employees and workers, will be engaged in manufacturing for Germany". (PE 1909, p. 3 bottom).

A copy of this letter was sent to defendants Ambros, ter Meer and von Schnitzler, and also to Messrs. Wenk and Bell whose affidavits on Francolor production have been introduced by the defense.

D. RHONE - POULENC.

(20) Location in occupied France.

The words "Rhône-Poulenc", as used in this connection, stand for the leading pharmaceutical concern in France; Société des Usines Chimiques Rhône-Poulenc, Paris (PE 1262, p.1). Its central administration was located in Paris (PE 2095, p.5; also New Order France, PE 1051, p.16). It operated a number of plants throughout France, among them Vitry-sur-Seine, occupied France, and St.Fons-Rhône, unoccupied France (PE 1263, p.2). The license agreement of 30 December 1940 (PE 1271) which we charge amounts to spoliation, refers to all Rhône-Poulenc products mentioned therein, wherever produced.

When speaking of the spoliation case "Rhône-Poulenc", we have also in mind the Theraplix agreement (PE 1282) under which Farben acquired officially 49% and clandestinely another 25% in the firm

Société Générale d'Application Thérapeutique THERAPLIX.

Its offices were located in Paris; its factory at Montrouge-sur-Seine, a suburb of Paris (Mann Exh.347, p.4). Both the central administration and the main plant were, therefore, situated in occupied France.

In view of defendant Mann's extended testimony on Rhône-Poulenc and the more than one hundred and thirty documents introduced by him in this connection (his books IV-VI, Exh.176 to Exh.309), we shall supplement our Preliminary Memorandum Brief in some major points.

(21) No special government orders for Bayer to act.

To begin with; Neither Farben generally nor defendant Mann personally had any government assignment to approach Rhône-Poulenc; see Mann's affiants Werner Schmitz, Tr.13731/3;

Grobel Tr.11843, 11855; and Mann's own admission, Tr.10421:

" I had no directive from the government referring to the Rhone-Poulenc case. I had no order from the government".

On the strength of this admission, we now know that Mr.Mann distorted the facts when he represented to Rhone-Poulenc that he had come "on behalf of" the Nazi government and

" that he must return his assignment to the German government as a failure".

(PE 1269; see also PE 2093, p.3).

(22) Stirring up government feelings against Rhone-Poulenc.

As a matter of fact, the Nazi government had no particular interest in Rhone-Poulenc. In order to get, at least, the concurrence of the Nazi authorities, Farben had to stir up their feelings against Rhone-Poulenc by disparaging remarks on Rhone-Poulenc's activities and its scientific standard (PE 2094, p.2). That remarks of this kind were made in contradiction to both the objective facts and defendant Mann's own conviction, may be seen from a comparison between Mann's statement to Mulert (RM4) of 1 October 1940 (PE 2094, just referred to), on one side, and Mann's statement of 31 March 1947 (PE 2093, p.2), on the other side. These contradictions are discussed in detail in the individual brief on defendant Mann (infra, Part VI,R).

(23) Dishonesty in dealing with Rhone-Poulenc.

Farben's basic dishonesty in dealing with Rhone-Poulenc after the collapse of France becomes even more conspicuous if we consider Rhone-Poulenc's letter to Bayer of 5 February 1934 (Mann Exh.182; see also Tr.10397/8). This is perhaps the most noteworthy document in the Rhone-Poulenc case since it shows the exemplary fairness of Rhone-Poulenc in handling Bayer's inventions and, vice versa, the utter baselessness of Bayer's attacks in 1940 against Rhone-Poulenc. These tactics which tended to win for Bayer the support of the Nazi government against Rhone-Poulenc are best reflected in Mann's Exh.188

which is ⁹contemporaneous document. Werner Schmitz here emphasizes that, in Farben's report to the Nazi Ministries concerning a patent law to be imposed on France, the "infringements of Rhone-Poulenc where imitation was concerned are rather too sharply stressed" (emphasis supplied). Schmitz's attempted explanation: Tr.13729.

(24) No general orders of the Nazi government.

Not only had the Nazi Government abstained from giving any special orders concerning Rhone-Poulenc; there were no general "orders" or "directives" either under which Farben could possibly feel that it had to act. The defense introduced a directive by Goering (Mann Exh.195) of 2 August 1940. But the official letter of the Nazi government accompanying this very directive emphasizes that it does not cover France (Mann Exh.195). The prosecution, in its turn, submitted Goering's preceding directive of 19 June 1940 (PE 1239) where he said:

"The endeavor of the German industry to take over enterprises in the occupied territory already now, must be opposed in the sharpest way. Travel of industrialists into the occupied territory must not be permitted for the present".

Schlottner to whose testimony the defense refers in this connection (Mann Exh.197) does not add anything, nor does defendant Mann (Tr.10406).

(25) Tactics of intimidation.

On this basis, we see in the right light the attitude taken by Mann and the other Vorstand members involved. They wished to intimidate Rhone-Poulenc, but they also wanted to appear as gentlemen and as the friends of the French firm who were trying their best to protect it against their own government. That is why Mann took shelter behind "orders" (PE 2093) and "assignments" (PE 1269) given him by the Nazi government which, he knew, were non-existent (Tr.10421). That is why his note to Faure-Baulieu which was submitted to Rhone-Poulenc (Tr.10414) emphasized that Rhone-Poulenc was being contacted

"in agreement with the Economic Office, Paris, Chief Ministerialdirigent Dr. Michel; for chemistry Referent War Administration Counsel Dr. Kolb ..." (Mann Exh. 203),

and that Faure-Beaulieu could also obtain passes for the unoccupied zone (Mann Exh. 203 and PE 1265). Faure-Beaulieu also told Rhone-Poulenc on Mann's behalf that a patent law on the German model was to be imposed on France by the Nazi government (Mann Exh. 203, Nos. 4 and 5): As a matter of fact, no such idea had been expressed by government authorities at the time. It was Farben, and Farben alone, which urged the government to force such law upon the French (Farben's New Order, PE 1051, p. 17; Farben's letter to the German Ministry of Justice, PE 1267; and, most outspoken, PE 1268; the Ministry's answer, Mann Exh. 184). In order to make this threat more effective, Mann also indicated

"it may be expected that a retrospective ruling will follow in the peace agreement providing a certain amount of indemnification for those German firms who have been adversely affected by the French imitations".
(Mann Exh. 203).

Again, the defense has not produced any contemporaneous document indicating that the German government had planned such step. - What Faure-Beaulieu told the French, according to his own note sent to Mann, began and ended with the threat of the coming peace treaty and "its impositions" (PE 1264, Nos. 1 and 3). Farben's tactics are characterized by their using the Nazi government as a bogey and by asserting that the Nazi government envisaged stringent measures which, in fact, Farben itself was eager to provoke.

Rhone-Poulenc precisely understood what Faure-Beaulieu and Mann meant to imply (PE 1265).

(26) Previous contracts "abrogated".

The handicap that there were contracts in existence between Rhone-Poulenc and Bayer was easily overcome. Those contracts were just to be considered nil and void. The defense introduced Mann Exh. 275 and 276, thereby implying that it was the policy of the Nazi authorities to consider contracts between Germans and enemy nationals

avoided by the war. Knowing the Nazi government, we can say that this certainly was in line with the Nazi policy. But Farben did not wait for the Nazi government to express it. In fact, Mann Exh. 276 shows that the first directive issued by the government was dated 14 December 1940. Long before the Nazi authorities had voiced any opinion of their own, Farben itself, in the pharmaceutical part of its New Order report of July 1940, suggested that Bayer's agreements with Rhone-Poulenc should be "abrogated" on account of the war since they were "concluded under political and economic circumstances different from those existing at present" (PE 1051, p.40).

(27) Procuring government pressure.

Since Bayer was not assured of a "favorable" reaction on the side of Rhone-Poulenc, it urged the government to help it, and to provide official pressure if such should be needed. As early as August 1940, Mann started to contact all branches of the Nazi government, civil and military alike, who could possibly have jurisdiction. The pressure he was looking for was promised (PE 1241, p.8; PE 1263; PE 1886, p.1). Bayer had also prepared a memorandum suggesting that the production of Rhone-Poulenc should be directly influenced by the military government through a so-called "authorization procedure", i.e., a kind of licensing system, which procedure was being used so successfully in the Francolor case. Though the Nazis were reluctant to use this procedure against Rhone-Poulenc whose plants *at H. Four* were located in the unoccupied zone, Farben, in any event, submitted its memorandum containing its suggestions to this effect. (Compare PE 1241, p.8). *)

- *) Mann, in his direct examination, stated that this memorandum was "undoubtedly the Vowd report, submitted as PE 1262, and which was probably submitted to Mr. Michel in order to give him some idea about the firm of Rhone-Poulenc". (Tr. 10410).
In fact, the words used in the minutes do not allow of any twisting:
"... In spite of this, for purposes of information, Boiek (War Administration Council) was given the text of the Farben memorandum which had been sent to Neef (Oberleutnant in the Office for Economy and Armament) for the authorization procedure". (PE 1241, p.8, emphasis supplied).

When weighing the contemporaneous Farben records on Mann's attempts to procure government pressure against Rhone-Poulenc, we should remember the testimony of defense witness Werner Schmitz who attended the meetings:

"These minutes served only internal purposes. They were drawn up for the purpose of information of different departments within the firm. The transcript went to ..., Mr. Mann, and also Prof. Hoerlein". (Tr.13861).

That means that Farben's records of these negotiations were certainly ^{just} not "window-dressing" but described their true course (see also Mann Exh. 319, last paragraph).

(28) Reference to Preliminary Memorandum Brief.

What Farben wished to attain from Rhone-Poulenc was, indeed, of such character that Farben could not dispense with using threats and tactics of intimidation. Though Rhone-Poulenc had not infringed on any of Farben's rights (see Mann's admission, PE 1283); though there were agreements in force between Bayer and Rhone-Poulenc which were strictly adhered to by Rhone-Poulenc (Tr.13734); though the Nazi government had not expressed any special interest of its own in this matter; Bayer still wished to subjugate Rhone-Poulenc. As to the individual steps taken by Bayer and the result accomplished, we can refer to our Preliminary Memorandum Brief, pp.42-47. It was shown there that Farben extracted 43 million French Francs (see also Mann Exh. 278) from Rhone-Poulenc under the so-called license agreement of 30 December 1940 (PE 1271), and that it forced upon Rhone-Poulenc a joint sales company in which Farben, by a fraudulent manoeuvre, even acquired the stock majority. We shall confine ourselves here to taking up the arguments advanced by Farben in defense.

(29) Defenses interposed by Farben.

The "defenses" may be briefly summarized as follows:

- A. The so-called license agreement of 30 December 1940 must be considered together with the two subsequent agreements of

28 March 1941 (PE 1375) and 19 February 1942 (PE 1282); Tr.10417, 10423, 10660. As a whole, the three agreements were clearly reciprocal (Tr.10660) and strongly benefited Rhone-Poulenc (Tr.10423, 10427; Mann Exh. 235, 237, 239, 251, 252, 255, 256). Farben waived its "biggest business in France which was the Aspirin business" (Tr.10423), and "renounced completely" its "independent commercial activity" in France (Mann Exh.252, Tr.10430).

B. Particularly the second agreement of 28 March 1941 contained Bayer's consideration for the license agreement and is the "core" of the entire group of contracts between Bayer and Rhone-Poulenc (Tr.10430; Mann Exh.238).

C. (a) Theraplix was chosen as joint sales company at the spontaneous request of Rhone-Poulenc itself (Mann Exh.256).
(b) Farben did not acquire a 51% participation in Theraplix but just 50%, as agreed upon with Rhone-Poulenc (Tr.10443; Mann Exh.262).
(c) Theraplix so much benefited from Bayer's participation that its profits rose from 5 million France in 1941 to 20 million France in 1943 (Tr.10437 and Mann Exh.255).

D. Rhone-Poulenc itself enjoyed Farben's cooperation during the war, and repeatedly made statements most complimentary to Farben (Mann Exh. 219, 238, 257, 297, 298, 299, 300, 301, etc.).

We propose to analyze briefly the merits of these defenses and, to the extent necessary, the evidence which has been introduced to substantiate them. However, one general remark seems to be appropriate before we go into any detail. The defense principally relies on Werner Schmitz of whom defendant Mann introduced 11 affidavits (Mann Exh. 154, 178, 185, 198, 200, 201, 211, 214, 238, 251, 279). Werner Schmitz was a close collaborator of defendant Mann in his Leverkusen office, and particularly in charge of the Rhone-Poulenc matter. The cross-examination has shown the unreliability of Schmitz's affidavits which are utterly misleading on all major points. Compare particularly Tr.13725/6 with Tr.13865/6; also compare Tr.13731 with Tr. 13733.

See also Tr. 13728/9, 13864, 13867, 13872.

(30) Comment as to A; Alleged reciprocity and mutuality.

- (a) Bayer clearly considered the license agreement as a compensation for past events. It was unilaterally working in Bayer's favor, and not reciprocal. Bayer stated this in so many words in the contemporaneous description of the "fundamental basis" underlying the agreement "which Farben views as compensation for past events"; Rhone-Poulenc's attempt "to change it to an ordinary reciprocal agreement ... was rejected" (PE 2167; also see Mann's admission, Tr.10426). The character of the contract is best illustrated by the enthusiasm it met on the side of Dr. Michael and Dr. Kolb who represented the Nazi military government in France. Michel, it should be recalled, was the man who had felt that the "historic chance of adjusting French economy to German requirements through appropriate interference in the French economic system, must be utilized completely and to the full". (PE 1241, p.5).

Now, this very Michel, and Kolb

"congratulated us (Bayer) on the conclusion of this agreement which seemed to be extremely favorable (sic 1) to them both as to contents and to form, and which, as I (Erntz) was told, is the first positive conclusion of this kind". (Mann Exh. 275).

- (b) The second agreement (PE 1275) was neither meant by Farben, nor understood by Rhone-Poulenc, to have been entered into in consideration for the license agreement. As Farben's letter of 18 December 1940 (Mann Exh. 213, Mann D.E.IV, p.90) shows, Rhone-Poulenc had already yielded to the license agreement when Farben again urged closer "cooperation". Farben's suggestion was again coupled with its request to acquire a capital participation in Rhone-Poulenc (Mann Exh. 213. Werner Schnitz, Mann Exh. 239, No. 2, and Tr. 13723 is, therefore, misleading; also compare Grobel, Tr. 11849, 11853). Again, reference was made to the German government cherishing Farben's "sincere and urgent wish to cooperate

more closely" (Mann Exh. 213, D.B.IV, p.90). The very wording of the license agreement itself makes it clear that, under Bayer's then plan, the new agreement was to be imposed on Rhone-Poulenc at the request of the German side, and not to be given it as compensation for the license agreement. Art. 14 of the license agreement (PE 271, p.4a) reads:

"The conclusion of the present agreement is without prejudice to the German demand concerning organizational measures for the regulation of markets considered by Germany to be necessary".

The words, though diplomatically cloaked, are clear enough. They become even clearer when Bayer's first draft is considered where this provision read, before it was replaced by the above version:

"The conclusion of the present agreement does not eliminate the fundamental German demand for economic interlocking". (PE 2321 and Grobel's testimony, Tr. 11848).

Mann's main witness Werner Schmitz does not deny that the "basic discussion concerning Agreement II" took place as late as 25 February 1941, that is 2 months after the first agreement was entered into (Mann Exh. 239). His attempted explanation on direct examination (Tr. 13723) is rebutted by PE 1269 of which he is the author. Particularly noteworthy in this connection is Grobel's testimony, Tr. 11855, as supplemented at Tr. 11858.

- (c) As to the alleged sacrifice Bayer made in waiving the sale of its products in France under the Bayer cross, particularly with reference to Aspirin, it may suffice here to refer to one statement by defendant Mann:

"The situation of the pharmaceutical business in France had always been such that, practically speaking, German products had no prospect of sale. There was a fundamental reluctance to purchase (them) which, at the bottom, could naturally be traced back to the fact that Rhone-Poulenc itself showed a very high level of scientific performance and was very capable as regards the organization of its sales. I never considered business in France as interesting, but it was clear to me that, if we wanted to sell our products in France at all on a larger scale, it would only be possible in conjunction with a French firm". (PE 2096, p.9; also Mann's direct Tr. 10391 and Mann Exh. 219).

It may be noted in this connection that pre-war attempts by Beyer to reach an agreement with another French firm (Roussel) on the subject of licenses and the manufacture of Beyer products had no success (Mann Exh. 178).

(31) Comments to B: Second agreement the 'core' of entire group of contracts.

The second agreement of 28 March 1941 (PE 1275) does not take away from the spoliative character of the license agreement (PE 1271) which preceded it or of the Theraplix Convention (PE 1282) by which it was followed. The second contract of 28 March 1941 is negligible in scope and results. Defendant Mann admitted in cross-examination (Tr. 10602) that, under said agreement, Beyer did not receive one single product from Rhone-Poulenc which it was willing to take up, and that, consequently, no royalties whatsoever were paid by Beyer to Rhone-Poulenc. He also admitted that, vice versa, Rhone-Poulenc did not take up more than three products of Beyer during the 3 years' period from 1941 to 1944 (see also Mann Exh. 234, 251; Tr. 10603). At the time when the second agreement was entered into, Mann himself did not feel or express that he had thereby given a compensation to Rhone-Poulenc for the license agreement imposed on it shortly before. He reported to the Commercial Committee on 18 March 1941 that this second agreement

"In view of Rhone-Poulenc's international cross-connections ... will probably have most favorable effects." (PE 1622, p.7).

(32) Comments to C: Theraplix agreement.

- (a) In repeatedly stating that Theraplix was chosen on the initiative of Rhone-Poulenc (PE 2093, p.6; 1283, p.4; Mann Exh. 303), Farben is confusing the issue. The evidence has shown that it was Farben which imposed a joint sales company on Rhone-Poulenc, and that Rhone-Poulenc finally accepted the idea as the "lesser evil" (PE 1275). After Rhone-Poulenc had yielded to

Farben's urgent request (Farben's minutes, PE 1269, speak of Farben's "irreplaceable demand") to organize a joint sales company, it may well be that it was then Rhone-Poulenc which picked just Theraplix. This has no bearing on any issue before us.

- (b) The evidence has clearly established that Farben, without the knowledge of Rhone-Poulenc, procured for itself the decisive 3% in Theraplix which increased its official 49% share to a majority. Our Preliminary Memorandum Brief called this "the element of deceit" which is an additional feature in the Rhone-Poulenc case. Since the contradictory statements made by defendant Mann in this connection heavily reflect on his credibility, this question will be treated in the individual brief dealing with defendant Mann (Part VI B, infra).

- (c) Whether or not the Theraplix business turned out to be profitable is irrelevant since Farben used pressure in order to acquire its participation. If, after such pressure was successfully used, Farben was interested in furthering the enterprise now partly its own, this has no bearing on the crime of spoliation perpetrated at the time of the acquisition. In fact, however, here again the figures presented by Farben are utterly misleading. Just to give an example: Relying, as it seems, on Josef Schmitz's affidavit (Mann Exh. 255), defendant Mann testified (Tr. 10437):

"Of course, the profit (of Theraplix) was in accordance with the turn-over. It increased from 5 million before the change (i.e., before Farben acquired its participation) up to 30 million during the years 1943 to 1944".

Both Mann and Josef Schmitz just omit the fact which is decisive in this connection that in 1941 Theraplix had a capitalization of 5 million French Francs (so that, in that year, its gross profits amounted to 100% of such capitalization); but that, before 1943, the capital stock had been increased from 5 million to 50 million Francs. The entire amount of such increase had been fully paid in ⁱⁿ cash in 1942 (Mann Exh. 258, 261). If, on the basis of this 50 million capitalization,

the gross profits in 1943 amounted to 20 million Francs, they were just 40% of the new capitalization rather than 100% in 1941 of the then capitalization (Mann Exh.258). If any inference can be drawn at all from these figures, it could only mean that the result deteriorated !

(33) Comment as to D: Rhone-Poulenc's wholehearted cooperation.

- (a) As far as the "friendliness" of Rhone-Poulenc's letters to Bayer is concerned, we should not overlook the proverbial French politeness which caused the unhappy Queen Marie Antoinette to say "Thank you, Sir" to her hangman. In this case, it certainly amounts to nothing. We have shown that it was just a device skillfully conceived by Forben leaders who thus hoped to parade as the saviors of their French friends from the (imaginary) encroachments allegedly planned by the Nazi government against Rhone-Poulenc.
- (b) Defense affiants, among them Werner Schnitz and Krantz from the Leverkusen office, are now describing the "friendly spirit" of the negotiations and the advantages flowing from the contracts to Rhone-Poulenc (Mann Exh.238, 237, 201). They have failed, however, to reconcile their affidavits with their contemporaneous statements under which Rhone-Poulenc had bowed to both the license agreement and the Theraplix contract only under the aspect of the "lesser evil" (PE 1273 referring to the license agreement; PE 1276 referring to the Theraplix contract). The words "lesser evil" were used by the affiants Werner Schnitz and Krantz at that time. Significantly, it is Mr. Brock rather than Werner Schnitz or Krantz who is now commenting on the "lesser evil" passage, vainly attempting to explain it away (Mann Exh.303).
- (c) These references to the aspect of the "lesser evil" under which Rhone-Poulenc entered into the incriminated agreements, show the true spirit which animated Rhone-Poulenc at

the time. Bayer was fully aware that only by its using the German government as a sword, and by its request to get a participation in Rhone-Poulenc itself or to control its sales, it forced Rhone-Poulenc into submission. Rhone-Poulenc made no secret about this situation in its letter of 18 January 1941 (PE 1374). This letter, as Faure-Beaulieu advised Mann, replaced a draft drawn up by Rhone-Poulenc which was even "more bluntly worded" (PE 2158). These contemporaneous documents leave no doubt as to the true atmosphere in which the "agreements" ripened.

[2.10.44]

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THE UNITED STATES OF AMERICA

-against-

KRAUCH and others (Case VI)

FINAL BRIEF OF THE PROSECUTION

PART IV

Certain Activities in Field of
Slave Labor and Mass Murder

Munich, Germany

1 June 1946

I N D E X

PART IV

CERTAIN ACTIVITIES IN THE FIELD OF SLAVE LABOR
AND MASS MURDER

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PART IV - CERTAIN ACTIVITIES IN FIELD OF SLAVE LABOR AND MASS MURDER

A - Introduction

(1) In Part III of the Preliminary Memorandum Brief, we discussed generally the role of the defendants in the slave labor program; their participation in supplying poison gas for mass exterminations; their participation in criminal medical experiments; and their participation in the inhumane use and mistreatment of concentration camp inmates at I. G. Auschwitz and Fuesatengrube. Since we are making the Preliminary Memorandum Brief a part of this Final Brief, we do not propose to re-iterate what we said in the Preliminary Memorandum Brief. What we said generally about the role of Farben in the slave labor program needs no supplementation, except to the extent that the role of each individual defendant is developed further in Part VI of this Brief; and to the extent that certain defenses call for comment. On the whole, the defenses raised by the individual defendants will be dealt with in Part VI. The general over-all defense which has been interposed by many defendants to not only the charges in Count III but also to the charges under Count I and Count II, namely the so-called defense of duress and compulsion, is discussed in Part V of this Brief. After a few preliminary remarks, we will devote Part IV to further developing the activities of Farben at I. G. Auschwitz; supplementing the analysis of evidence concerning supplying poison gas for exterminations; and developing further the charge of participation in criminal medical experiments.

(2) The evidence introduced during the Defense case-in-chief, both by the Defense and the Prosecution, has merely served to fortify the proposition that the Farben Vorstand was responsible for general employment policy and the social welfare of its workers. Not only did the Vorstand have the responsibility for the welfare of its workers as a matter of law; the evidence establishes that this responsibility of the Vorstand was recognized and accepted by the Vorstand as a matter of fact. During the Defense Case-in-Chief, the defendant Guergin stated on his examination:

"The law (for the Regulation of National Labor) that you mentioned made the Vorstand the leader of the enterprise in the sense of this Law."
(Tr. p. 8414)

And the defendant Schneider stated on examination:

"According to the Law Regulating National Labor, in a stock corporation (Aktiengesellschaft), the Vorstand represented the position of the owner and the leader of the enterprise. If he did not work in the plant itself, for instance if he resided in another locality, the Vorstand had to delegate a person as leader of the enterprise. If the Vorstand consisted of several persons, then it had to single out one member to exercise the function of the leader of the enterprise. If the corporation consisted of several plants in different localities, then the Vorstand also had to appoint one deputy from among its ranks who would be the leader of the entire enterprise. In Farben, that was the person of the Main Plant Leader." (Tr. p. 7393; P.E. 1329).

Defendant Schneider was the so-called main or chief plant leader (Hauptbetriebsführer) of Farben. He was appointed to this position by the Vorstand, and as the Vorstand's deputy he represented and reported to it

on all social welfare matters. (P.E. 1329). On cross-examination, the defendant Schneider testified that it was his duty to report to the Vorstand concerning decisions on "important questions of principle on social matters"; and that he did not remember any instance in which the Vorstand disagreed with him on the decisions which he had made (Tr. pp. 7457 and 7458).

(3) The Farben Vorstand set the policy on the employment of foreigners and prisoners of war in the Farben factories. The Aufsichtsrat minutes of 11 July 1941 in point 3 of the agenda entitled, "A Report By the Vorstand for the Past Fiscal Year", reveals that defendant Schmitz made the following statement:

"The factories have to make all efforts to get the necessary workers; by utilizing foreign workers and prisoners of war the demand could be generally met." (P.E. 1312).

At the time of this meeting Poland, Czechoslovakia, France, Belgium, and the Netherlands, among others, had been invaded and occupied by German troops. About three weeks before this meeting, Germany had invaded Soviet territory. This meeting was 21 months after the well-known German Decree of 26 October 1939 introducing compulsory labor in Poland. In connection with the employment of Poles, the defendant Schneider stated:

"After Poland was occupied, labor was released there and was sent to Germany." (Tr. p. 7459).

The evidence shows that Farben had applied for Polish male and female workers prior to 14 May 1940 (P.E. 1899; Tr. p. 7459). The evidence also shows that the second transport of Polish female workers arrived at the

Farben Wolfen Film plant, which was headed by the defendant Gajewski, prior to 18 June 1940 (P.E. 1900; Tr. p. 7469).

(4) The minutes of another meeting of the Farben Aufsichtsrat held on 30 May 1942 show that the defendant Schmitz in his Vorstand report to the Aufsichtsrat again mentioned the employment of foreigners and prisoners of war. At that time he stated:

"The lack of workers, especially skilled labor, had to be compensated by longer working hours, and the employment of women, foreigners and prisoners of war." (P. Ex. 1313).

This meeting was a little more than two months after the appointment of Fritz Sauckel as Plenipotentiary General for the Utilization of Labor. (P.E. 1290). The meeting followed by about three weeks Sauckel's famous Regulation No. 4 on the recruitment of foreign workers wherein he plainly stated that obligatory service and drafting must under all circumstances be resorted to. (P.E. 1301). According to the defendant Schneider's testimony on cross-examination, Farben began the employment of Russian workers in 1941 or 1942 (Tr. pp. 7471, 7472). The witness Struss testified that practically everybody in Germany knew that Russian workers were forced to come to Germany after the battle of Kiev, which was in November 1941. (P.E. 1318). In a contemporaneous document introduced by the Prosecution, it is shown that the first transport of Russian civilians arrived at Ludwigshafen, where the defendant Hirster was plant leader, prior to 27 March 1942. (P.E. 1338). This was but a little more than two months prior to the above discussed Aufsichtsrat meeting of 30 May 1942.

(5) That the minutes of the TMA and Vorstand do not always reveal a detailed discussion of labor problems is explained by the evidence, including the testimony of some of the defendants. Actually, there was

little need for a full detailed discussion at this level because most of the Vorstand members had already become familiar with the details of a given project or expenditure at a lower committee level. Defendant Krauch, for example, stated in connection with the credits or expenditures for the housing of foreign workers:

"Because the request had already been presented to and examined by experts, it was in general little discussed and was approved and forwarded to the Vorstand. Because practically all members of the Vorstand were already informed about the matter, the approval of the credit by the Vorstand was an informal matter." (P.E. 1330)

In this same connection, the defendant Gajewski indicated on his examination that such credits were discussed only summarily in the TEA because they had already been discussed before within the individual Sparten. (Tr. p. 8189). An example of just how this worked in actual practice is shown by a credit request for the Schkopau Buna plant for a new camp to house 500 Russian workers. The title of this document is "XVI Welfare". It was submitted to the defendant Schneider on 12 October 1942; to the TEKO, which was headed by the defendant Jaehne, on 20/22 October 1942 (the members of the TEA received copies of the TEKO meetings); and the request was approved by the TEA on 28 October 1942. (P.E. 1320). Any Vorstand member who did not know the details on this matter could, by turning to the member next to him, undoubtedly procure all the first-hand details.

(5) With respect to the so-called "Sauckel action", the Vorstand minutes of 29 October 1942 show that the defendant Schmitz requested the defendant Mann to speak to the Vorstand concerning an assembly meeting of the Large Advisory Council of the Reich Group Industry, on which occasion Gauleiter Sauckel had given an account of the labor allocation situa-

tion, the treatment of foreign workers, etc. (P.E. 1322). A letter dated 6 November 1942 from the defendant Schneider to defendants von Schnitzler and Mann recites the suggestion made in the last meeting of the Vorstand that French labor should be obtained for Farben within the framework of the intensified Bauckel Campaign from those French firms in which Farben holds shares, or in which it has some other interests. (P.E. 1337).

3. FARBEN AT AUSCHWITZ

(7) The evidence proves beyond a reasonable doubt that:

(a) The defendants took the initiative in selecting the Auschwitz site for the building of Farben's fourth Buna plant, with full knowledge of the existence of the concentration camp Auschwitz and in contemplation of the use of the inmates in the construction and operation of the Buna plant.

(b) The defendants took the initiative in obtaining concentration camp inmates for the construction and operation of the plant and kept pressing for larger numbers of healthy inmates during the course of construction.

(c) The conditions under which the slave laborers, particularly the concentration camp inmates, worked and lived on the Farben construction site and in the Farben factory, were inhumane and resulted in the death of thousands of human beings.

(d) The inmates who were no longer fit to work on the Farben construction project or in the Farben factory were sent to the gas chambers; and the defendants' inhumane drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work.

(e) The defendants are criminally responsible for these activities pursuant to the provisions of Article II of Control Council Law No. 10.

(a) The defendants took the initiative in selecting the Auschwitz site for the building of Farben's fourth Buna plant, with full knowledge of the existence of the concentration camp Auschwitz and in contemplation of the use of the inmates in the construction and operation of the Buna plant.

(8) Because of the lack of natural rubber in Germany, the production of buna was vital to the German war machine. Farben was the sole producer of buna in Germany, and the primary responsibility for maintaining the necessary buna production was assumed in particular by the defendants KRAUCK, HER MAYER, and AMEROS. (P.E. 1408; P.E. 1420; P.E. 1414).

(9) The so-called directive to Farben, relied upon by the defense, (P.E. 1408 supra), shows that regardless of who "ordered" the building of a fourth buna plant in Silesia, the fundamental responsibility for selecting the site for the fourth buna plant was with Farben. Furthermore, the initiative for the decision to build a fourth Buna plant in Auschwitz as quickly as possible came from the defendant KRAUCK, and not from any other government agency. The Hanneken letter states:

"With regard to the plant in Silesia, I request you immediately to undertake the initial negotiations for financing and on settling of the question of the site, so that in accordance with the suggestion of the Plenipotentiary General for Special Questions of Chemical Production, the date on which construction can commence can be stated as January at the latest."

(10) After the decision was made to build a fourth Buna plant Ambros was given the assignment of canvassing the various possibilities in order to find a suitable site. (P.E. 1419)

(11) Among the sites considered by the defendant Ambros was the place called Rattwitz, south-east of Breslau. This site had previously been considered and adopted by Farben for a proposed third Buna plant. As a matter of fact actual construction at the Rattwitz site had begun in April 1940 and was only stopped in July after the French campaign had closed and after Farben had invested about 4 million Reichsmark (Tr. 7823/4).

(12) In selecting the Rattwitz-site it had manifestly been necessary to determine the availability of raw material, means of transportation and supply of labor. The decisive importance of the labor supply as a factor in choosing the Rattwitz site was illustrated unmistakably by the defendant Ambros in his direct examination, when he pointed out that although the vital raw material such as coal, calcium, and salt were 100 km, 80 km and 300 km away respectively, he had ignored these disadvantages and nevertheless suggested Rattwitz as the site for the third Buna plant, because it had one advantage - it was near the city of Breslau and "Breslau still seemed to have people" (Tr. 7820/1).

Ambros' choice of Rattwitz was approved by his Farben Vorstand-colleagues, particularly SCHMITZ and KRAUCH (transcript 7830) and as indicated above 4 million RM were spent before the project was abandoned as a result of the termination of the French campaign (Tr. 7823/4).

(13) A few months later, when it was decided to go through with the expansion of Buna production, Ambros again was given the problem to select a suitable site for a Buna plant. On direct examination Ambros was asked:

"Why didn't you go back to Rattwitz, where you had already started, and where you had already put in so many millions?"

Ambros' reply was two-fold:

1. "From a technical, economic point of view, Rattwitz was not desirable."
2. "...in the meantime in Breslau and in that vicinity four large enterprises had settled."

(Tr. 7530)

(14) In other words, when Ambros first selected Rattwitz as the site for a third Buna plant, he was willing to overlook the fact that coal was over 100 km. away, calcium 85 km. away, and salt 300 km. away, all because there was a large city from which labor could be drawn, and it was only when other firms had exhausted the labor supply that Ambros rejected the Rattwitz site in Upper Silesia and sought a new site for the fourth Buna plant. 1/ (Tr. 7521)

(15) That the availability of labor was in fact decisive was let slip by the defendant Ambros in the previous day's testimony when he stated "Breslau still seemed to have people; but unfortunately, when we went there, four other big firms noticed these advantages too, and this exhausted the labor market." (Tr. 7521-2)

1/ Ambros' testimony that there was no room for expansion at Rattwitz is completely contradicted by F.E. 1436, "almost unlimited possibilities for expansion."

(16) Turning now to the selection of the Auschwitz site, it is interesting to see what thought was given to the solution of the problem of providing the necessary labor to build the gigantic project contemplated at Auschwitz, particularly since Auschwitz had no Breslau to draw upon for its labor requirements. After an oral discussion on 10 January 1941, the defendant Ambros on 11 January 1941 received a report on the Auschwitz site informing him specifically that "the locality of Auschwitz is... still being used as a reservoir of Jewish manpower (Juden reservoir)" and that when the Jews are evacuated, there will be suitable quarters to accommodate building workers and later on the factory staff. (P.E. 1410)

(17) On 16 January 1941 Ambros held a meeting at Ludwigshafen with other representatives of Farben and also of the firm Silesian Benzene, in which the technical and labor possibilities at Auschwitz are described. During the meeting the following description of the building site at Auschwitz was given to defendant AMBROS (P.E. 1411):

"The inhabitants of Auschwitz consist of 2,000 Germans, 4,000 Jews and 7,000 Poles. The Germans are peasants, the Jews and Poles, if industry is established here, will be turned out so that the town will then be available for the staff of the factory. For this reason it will not, at least at first, be necessary to build many dwellings, because an adaptation of the existing houses, at least to a certain extent, will probably be possible. A concentration camp will be built in the immediate neighborhood of Auschwitz for the Jews and the Poles."

(18) It should be noted that when Jonkhans provided defendant Ambros with the above information on Auschwitz, he also reported that he had previously discussed the Auschwitz site with defendant Rustofisch with a view toward possible collaboration between Buna and Schlosien-Benzin

and that Buetefisch was "very much in favor of the Buna hydrogenation collaboration in Auschwitz". (P.E. 1411, supra)

(19) On 25 January 1941 Ambros' chief engineer, Faust, after making a special trip to investigate the Auschwitz site, reports the following findings to Sante, Ambros' highest engineer at Ludwigshafen (P.E. 2261):

"In Auschwitz, out of approximately 15,000 living there, 70% were Jews, that south of Auschwitz there was a concentration camp with 20,000 Jews..."

As regards labor he adds that:

"In spite of the imminent emigration, Poles and Jews will come into consideration."

(20) On 30 January 1941, at the K meeting attended by ter Meer and Ambros, the purpose of which was a discussion of the Auschwitz site, it was realized that one of the more difficult problems was the "manpower situation". (Ambros Exh. 79)

(21) In the meantime Faust and Sante, who had furnished the basic information upon which the K committee considered the Auschwitz site, left on a joint trip to Auschwitz to make a further investigation. On 31 January they found (P.E. 1412):

"The concentration camp already existing with approximately 7,000 prisoners is to be expanded. Employment of prisoners for the building project possible after negotiations with Reichsfuehrer SS."

(22) Finally, in a report of an inspection trip of 1-4 February, on which defendant Ambros was himself present, the following is stated concerning Auschwitz and the Auschwitz district (P.E. 1415):

"...The racial composition is very bad. All told, there are said to be only 2,000 racial Germans living there, very few of whom are able to speak German. 7,000 Jews are collected together at Auschwitz and the remainder of the population is Polish....

"The eviction of the Poles and Jews is going to cause a great shortage of workers from the spring on."

"It is therefore necessary to open negotiations with the Reich leader SS as soon as possible in order to discuss the necessary measures with him. For example, the Regierungspräsident at Katowitz suggested that to begin with the best workers be retained during the eviction of the Poles in order to enable their utilization for construction work."

(23) Two days after Ambros returned from a tour of inspection of Auschwitz he made a report to defendants Krauch and ter Meer and on that occasion he specifically mentioned that there was a concentration camp in Auschwitz and, according to the defendant Ambros, "the decision for the selection of Auschwitz as the site was made." (P.E. 1419)

(24) After Ambros' detailed report on his findings to defendants Krauch and ter Meer, defendant Krauch then stated that (P.E. 1414)

"the Reich office for Economic Development would now drop the Norway project as a result of those examinations, and decided upon Auschwitz as the site for the fourth Buna Plant."

(25) The defense through the affidavits of Sente, Bisfeld, and particularly, the Dr. Alt, assistant defense counsel for Ambros, make the contention that the Auschwitz site was chosen not, as indicated above, on 6 February 1941, but, rather, on 30 January 1941, at a meeting of the E Committee. If the testimony of Dr. Alt is to be believed, the E Committee Meeting suggested the building of a 500,000,000 RM project on the basis

of an alleged file memorandum made by Santo of an alleged long distance telephone call he received from engineer Faust concerning Faust's investigation on the suitability of Auschwitz as a possible construction site for the Buna plant. Neither Faust nor Santo was present at this meeting.

(26) Why it was necessary for this important technical committee, the X Committee, to rely on an alleged file note of an alleged telephone conversation is somewhat difficult to understand in view of the fact that Faust, in an inter-office memorandum at Ludwigshafen, reported his findings to Santo in writing on 25 January 1941 - the same date that the alleged telephone conversation is supposed to have taken place.

(27) The chief difference between the file note of the telephone conversation (Ambros Exh. 77) and the written report of the same date (P.E. 2261) is that the file note deals mostly with water conditions, where as the written report in addition to discussing water conditions, coal etc. specifically mentions that of the 18,000 inhabitants of Auschwitz 70% were Jews, and that "south of Auschwitz is a concentration camp with 20,000 Jews" and further that as regards labor

"in spite of the emigration, Poles and Jews will
come into consideration".

(28) Although Faust has submitted six affidavits which the defense has introduced in evidence, he never mentioned the memorandum of 25 January 1941 (Duerrfeld Exhs. 15, 19, 21, 42, 43 and 44).

(29) Although Santo submitted an affidavit authenticating the file memorandum of the telephone conversation, he never mentioned Faust's written report (Ambros Exh. 77).

(30) The affidavit of Alt likewise concerns itself solely with the X meeting and the file note of the telephone conversation, which it allegedly had before it, but there is no mention of the existence of Faust's written report.

(31) Finally, Ambros himself neither introduced the Faust report to

Santo nor even so much as mentioned it during his entire testimony in connection with the choosing of the Auschwitz site. Yet this written report by Faust was constantly in the hands of the defense until it was returned to Ludwigshafen after the Court's ruling on the motion of the prosecution concerning documents removed from Ludwigshafen files.

(32) Thus, in spite of the fact that every inspection trip concerning the Auschwitz site mentioned the problem of labor and the existence of a concentration camp (see supra and P.E. 1415) including the Faust written report of 28 January 1941 - nevertheless, the "K" Committee of 30 January, in suggesting the Auschwitz site, was, it is contended, blissfully unaware of the existence of the concentration camp and of the availability of its inmates.

(33) The fact that the "K" Committee meeting did not really have to rely upon the file note of the telephone conversation was admitted by Dr. Alt on cross-examination when he stated:

"Certainly other documents existed as well.
Otherwise Dr. Ambros would not have made so
many suggestions in Committee "K" about
getting coke and lime from various locations."
(Tr. 13254)

However, Dr. Alt adds that when he drew his affidavit he did not remember any other official or other written documents.

(34) Also, Dr. Alt asserted in his affidavit that the possible allocation of concentration camp prisoners did not play the slightest part whatsoever in the selection of the site because the existence of Auschwitz concentration camp was entirely unknown when the decision was made (Ambros Exh. 80). On cross-examination, after being confronted with minutes of inspection trips available before the meeting of 30 January 1941, he admitted the "possibility" that Ambros, Hiefeld, Nach and even himself had "previously heard something about the concentration camp at Auschwitz" (Tr. 13247-13269).

(35) That the X Committee was aware of the labor problem is clearly indicated in a paragraph, the significance of which the defense has not chosen to explain. The minutes of the X Committee meeting state (Ambros Exh. 79):

"Much more difficult is the manpower situation. For the procurement of manpower it will be necessary to contact the Reich Commissioner for the Consolidation of Germanians. Also substantial funds will be required for the building of settlements."

(36) On cross-examination Dr. Alt admitted that the Reich Commissioner for the Consolidation of Germanians was none other than Himmler (Tr. 13263).

(37) Of course, Dr. Alt's discovery "a few months ago" (Tr. 13263) that the Reich Commissioner for the Consolidation of Germanians was the same as Reichsfuehrer SS, Himmler, is rather belated in view of the fact that none of his colleagues were at all confused by the different title. Thus, exactly one day after the January 30th meeting, on 31 January 1941, Faust and Santo, referring specifically to the concentration camp at Auschwitz, state that "employment of inmates for the building project possible after negotiations with Reichsfuehrer SS" (P.E. 1412, supra).

(38) And on the inspection trip made by the defendant Ambros during the following four days (1 to 4 February) the problem of securing necessary labor after the eviction of the Poles and the Jews was described unambiguously as follows:

"It is, therefore, necessary to open negotiations with the Reich Leader SS as soon as possible in order to discuss necessary measures with him."
(P.E. 1415)

(39) The clearest picture of the circumstances surrounding the selection of the Auschwitz site and the approval of the site by the defendants with the knowledge and in part in consideration of the existence of the supply of concentration camp labor is provided by the defendants most directly connected with the project.

(a) Defendant Krauch states (P.E. 1420):

"As a matter of fact, the IG Farben could not be forced to construct a Buna factory. The Reich Ministry of Economics approached them with the proposal in this matter. The Executive Board (Vorstand) of the IG Farben - consisting of the gentlemen Schmitz, as Chairman, Ilgner, von Schnitzler, von Kriesen, Christian Schneider, ter Meer, Ambros, Buetefisch, etc. - could agree or, or refuse, the erection...

"Ambros decided on Auschwitz, and reported to the Executive Board that the presence of coal, water, lime, subterranean installations and workers had been decisive.

"After the Executive Board (Vorstand) of the IG Farben had decided to carry out the construction at Auschwitz, the Polish and Jewish population living there was expelled, and the Construction Department of IG Farben Ludwigshafen began the construction. The Executive Board of the IG Farben was informed that a compulsory depopulation of the territory had taken place.

"The Executive Board of the IG Farben, especially the members of the Executive Board Schmitz, ter Meer, Ambros, and Buetefisch were informed of the employment of concentration camp inmates with the IG Buna plant Auschwitz and did not protest".

(b) The defendant Buetefisch states (P.E. 1415):

"In the winter of 1940/1941 Otto Ambros, together with Krauch's office and the Vorstand (Executive Board) of IG Farbenindustrie, suggested Auschwitz as a suitable site because of the composition of the soil, availability of coal, water, and limestone, as well as, according to a statement of the labor office the supply of labor, for example, Poles and inmates of concentration camp Auschwitz, favored the construction of the Buna plant and its subsequent production respectively. In 1941 a meeting of the Vorstand (Executive Board) approved the money for the construction project of the new IG Farben Auschwitz".

(c) The defendant Schneider states (P.E. 1418):

"In winter 1940/1941 Otto Ambros went to Auschwitz in order to inspect the site. After his return he reported on his trip to the Technical Committee and to the Vorstand...."

"The labor available owing to the existence of the concentration camp was discussed in a meeting of the Technical Committee. It is possible that the name Kress was mentioned in this connection; this name was often mentioned later on...."

"Neither the Technical Committee nor the Vorstand objected to the fact that the fourth Buna plant was being erected with the help of the concentration camp prisoners".

(40) Farben's attitude toward its Auschwitz venture is expressed at the opening meeting of IG Auschwitz on 7 April 1941 (P.E. 1430):

"With the Auschwitz project the IG Farbenindustrie had designed a plan for a new enterprise of giant proportions. They were determined to do everything in their power to build up a virile enterprise, whose influence would become no less important than that of the numerous plants in the west and in Central Germany. In that way the IG was performing its moral duty of doing its very best to make this industrial foundation a strong cornerstone for a virile, healthy Germany in the East. Dr. Ambros concluded by expressing the hope that the authorities would support the IG Farbenindustrie, in this difficult but promising task."

(41) Not only would Auschwitz provide a foothold in the East but the whole deal was so satisfactory from the point of view of financial arrangements and future financial prospects that Farben did not avail itself of government financing as it had with other war time projects (Montan) but preferred to invest some 600 million marks of its own funds. (P.E. 1418; P.E. 1419; P.E. 1421).

- (b) The defendants took the initiative in obtaining concentration camp inmates for the construction of the plant and kept pressing for larger numbers of healthy inmates during the course of construction.

(42) At the time of the first inspection of Auschwitz, the Farben engineers, Dr. Santo and Dr. Frust, reported that the existing concentration camp will be expanded, and suggested that (P.E. 1412):

"Employment of prisoners for the building project possible after negotiations with the Reichsfuehrer SS."

(43) Again, on 13 February 1941, the report of the Ambros inspection tour of Auschwitz notes the fact that (P.E. 1415):

"the eviction of the Poles and Jews is going to cause a great shortage of workers from the Spring 1942 on. It is therefore necessary to open negotiations with the Reichs leader as soon as possible."

(44) It will be recalled that in considering the Auschwitz site, it had been noted:

- (a) "That the Jews and Poles would be turned out if industry is established."
(P.E. 1410; P.E. 1411)
- (b) "That those Poles who could be utilized for construction work would be retained."
(P.E. 1415)
- (c) "That the Reichsfuehrer SS Himmler should be contacted concerning the use of concentration camp inmates."
(P.E. 1413)

(45) On 18 February 1941 Reichsmarschall Goering issued the following order to Reichsfuehrer SS Himmler (P.E. 1417):

" I request that the following steps be taken in order to assure the supply of laborers and the billeting of these laborers needed for the construction of the Auschwitz Buna plant in East Upper Silesia, which will commence in the beginning of April and which has to be carried out with the highest possible speed.

" 1. The Jews at Auschwitz and in the surrounding area must be quickly expelled, especially for the purpose of clearing their lodging in order to billet the construction workers of the Buna plant.

" 2. Preliminary permission for the Poles in Auschwitz and the surrounding area, who may be used as construction workers, to stay in their present lodgings, until the termination of the construction works.

" 3. Availability of the largest possible number of skilled and unskilled construction workers from the adjoining concentration camp for the construction of the Buna plant.

"The total requirement for construction and fitting workers will be 8,000 to 12,000 men, on the construction lot, according to the speed of work which can be reached.

"I request you to inform me as soon as possible about the orders which you will issue jointly in this matter with the SS-Chief (Krauch)."

(46) The fact that the Goering Order met each of the requirements which Farben's experts had noted in their study of Auschwitz as a site for the fourth Buna plant, was no coincidence. The defendant Krauch, who initiated and participated in the establishment of the fourth Buna plant, had the benefit of all the information the defendant Ambros had gathered through his lieutenants at Auschwitz and through his personal inspection of the site. At the meeting of 6 February 1941 defendant Ambros gave the detailed reports concerning Auschwitz which enabled the defendant Krauch to advise Reichsmarschall Goering as to the needs and requirements of I. G. Farben at Auschwitz. (P.E. 1419)

(47) That the Goering Order was issued at the request of the defendant Krauch can no longer be disputed. On 25 February 1941, just one week after the issuance of the Goering Order, the defendant Krauch writes to defendant Ambros concerning the "Buna Plant Auschwitz" (P.E. 2199):

"At my request, the Reichsmarschall issued special decrees a few days ago to the German Reich authorities concerned.....In these decrees the Reichsmarschall obligated the offices concerned to meet your requirements in skilled workers and laborers at once....."

Ambros immediately carried out Krauch's instructions to:

"Inform all those who work with you and who are in a position of authority of the fundamental point of my letter."

Copies went to ter Meer, Sant, Faust, Koch, Wiesfeld, Heidebrock and Duerrfeld (the top personnel of I. G. Auschwitz). The problem of contacting the Reichsfuehrer SS for labor had been solved since Krauch mentions that the Goering decree was issued to the "German Reich authorities concerned..... to meet your requirements in skilled workers and laborers."

(48) On 4 March 1941, Dr. Wirth of Krauch's office informed Ambros (copies to ter Meer, Wotefisch, and Duerrfeld) that:

"At my suggestion and acting upon instructions of the Fieldmarshal"

the Reichsfuehrer SS Himmler has issued a directive giving effect to all the points mentioned in the Goering Order. (P.E. 1422)

(49) On 3 April 1941 a Farten circular letter was issued from Ludwigsafen regarding "Buna Plant IV" wherein it is stated that according to a letter, dated 25 February 1941, from Krauch (P.E. 2201)

"all the state and SS agencies which performed specific tasks in the area around Auschwitz have received instructions to assist in the building project in every conceivable way."

(50) In view of the three foregoing documents, it is unnecessary to discuss the contention of defendant Krauch that he opposed the use of concentration camp inmates for the building of I.G. Auschwitz nor is it necessary to discuss the defenses of defendants such as ter Meer, Ambros, Buetefisch and Duerrfeld to the effect that they were "forced" to use concentration camp inmates because of orders by the highest Reich authorities, Goering and Himmler. The fact that both the Goering and Himmler Orders were issued at the request of the defendant Krauch, and by their terms are directed, not to Farben, but to the various agencies who are ordered to assist Farben, completely undermines the position of the defendants with respect to "superior orders".

(51) The first actual discussion with the SS to obtain concentration camp inmates for the construction of I. G. Auschwitz was conducted on 20 March 1941 by defendant Buetefisch on behalf of Farben and SS Obergruppenfuehrer Wolff on behalf of the SS. Dr. Faust, the Chief Construction Engineer of I. G. Auschwitz who, together with Duerrfeld, attended this meeting, states that Buetefisch led the discussion at first and then Duerrfeld asked Wolff:

"in which way the Auschwitz concentration camp could assist I. G. Auschwitz i.e. with supplies from the various work shops of the concentration camp and with the provision of labor." (P.E. 2349)

(52) That Farben is requesting the inmates rather than being forced to accept concentration camp inmates is clear from Buetefisch's own testimony concerning the meeting when SS Obergruppenfuehrer Wolff told Buetefisch, "I can't give you any binding promise". (Tr. 8773)

(53) Just one day before defendant Buetevisch conferred with SS Obergruppenfuhrer Pohl concerning the procurement of concentration camp inmates for I. G. Auschwitz, the TRI met, heard reports from defendant Andres on Auschwitz and from defendant Buetevisch on the construction of the Leuna plant to be integrated with the Auschwitz Buna plant. The TRI thereupon appropriated 19,500,000 RM for I. G. Auschwitz. Present at the meeting were von Maer, chairman, Schneider, Buetevisch, Andres, Wurster, Lautenschlager, Jaehne, Herlein, Kuchne, Burgin, Gajewski and von Zierien.

(54) On 24 March 1941, at the first construction conference of I. G. Auschwitz, Duerrfeld was able to report that 700 prisoners have been promised from the Auschwitz concentration camp to be assigned to the construction site and also that:

"A promise has been received that the Head Office SS Reichsfuehrung will use their influence to effect an exchange within the concentration camps of the SS with the object of transferring skilled workers from the Reich to Auschwitz."
(P.E. 1426)

(55) On 27 March 1941 defendant Duerrfeld met with the camp commander of Auschwitz concentration camp. Duerrfeld's report of the discussion contains the following significant points: (P.E. 2300):

(1) After the preliminary discussion of 20 March 1941 between BUETEVISCH and Wolff, in the presence of Gluecke of Cransburg, inspector of concentration camps, and Hermer of Berlin, inspector of the assignment of inmates, the details of the ways and means in which the concentration camp could assist in the construction of the plant were to be discussed.

(2) The concentration camp showed its willingness to assist in the construction of the plant as far as it could.

(3) Faust asked for about 1,000 unskilled and skilled workers for the current year, if available.

(4) Next year's requirements were given as approximately 3,000 inmates. (The concentration camp will be able to provide this number if it is able to expand its accommodation facilities in order to increase the number of inmates of the camp. We undertook to see whether we could help in this connection.)

(5) Since the concentration camp is to be extended to hold about 30,000 inmates, it is quite possible to provide additional workers in excess of the above total. The decisive factor for the speed at which inmates can be supplied is the procurement of iron and of the necessary number of Campes. These Campes are being selected from among the professional criminals and are to be transferred from other concentration camps to Auschwitz.

(6) Payment of 3 RM per day for unskilled workers and 4 RM per day for skilled workers is to be made for each inmate. This includes everything and we will have no other expenses for the inmates, except if a small bonus is given as an incentive.

(7) : Since the required number of workers can be provided by the concentration camp, it would not be practicable to employ prisoners of war at the same time.

In summary, Dierrfeld states the entire proceedings took place in cordial agreement; both parties expressed a desire to give each other every possible assistance.

(55) On 1 April 1941 at the second construction conference of I. G. Auschwitz, it is reported that the SS camp commandant Hoess

"is very willing to support the construction management to the best of his ability." (P.E. 1428)

(57) On 7 April 1941, at the occasion of the founders meeting for the I. G. Auschwitz plant, Ambros stated that as a result of the order of the Reichsfuehrer SS (P.E. 1430):

"extensive assistance from the Auschwitz concentration camp had been promised for the building period. The camp commandant Sturmbannfuehrer Hoess had already made arrangements for the employment of his men."

(58) On 12 April 1941, Ambros wrote to Mr Neer stating: (P.E. 1431)

"Our new friendship with the SS is proving very profitable.

"On the occasion of a dinner given for us by the administrative authorities of the concentration camp, we further decided upon all measures connected with the use of the superb plant of the concentration camp for the benefit of the Buna works."

(59) On 22 April 1941 Farben informed the Reich Labor Ministry that the concentration camp Auschwitz "is going to help us by making inmates available." Farben's contacts with the SS are direct, and the Reich Labor Ministry is merely informed by Farben. (P.E. 1984)

(60) In March 1942 I. G. Farben representatives inspected the Russian prisoner of war camp of the concentration camp. Although the Russian prisoners made a "thoroughly pitiful impression" Farben stated that they would only employ these prisoners of war on the building site on the condition that "they are accommodated in the concentration camp Auschwitz" and that "only healthy and strong prisoners of war are allocated who are fully capable of work." (P.E. 2207)

(61) If there were any possible remaining doubt concerning Farben initiative, it should be completely dispelled by the construction conference report of 28 March 1942 at which Ambros and Duerrfeld were present and which, like all other construction conference reports, went to the FEA, to Mr. Meier, Schmitz, Schneider and Buettelisch. Bearing in mind that at the first conference between Duerrfeld and the commandant of the Auschwitz concentration camp it was decided that "the decisive factor for the speed at which inmates can be supplied is the procurement of iron and of the necessary number of cages", the following portion of the construction report should be noted:

"Duerrfeld will approach Prof. Dr. Krauch so that the latter may make a suitable report to General Henckes and point out that the Goering decree is useless unless the allocations are made. The bare minimum for Auschwitz is 30,000 tons construction iron. In spite of these difficulties everything is to be done to further the completion of the building site as planned. The hut camps and other social measures to accommodate a manpower allocation of 15,000 workers early next year are to be completed."

(62) On 20 July 1942, I. G. Farben construction management at Auschwitz was informed that "no more inmates will be assigned to the factory site since it has been necessary to order confinement to the camp because of danger of infection." (P.E. 1991) On 24 July the I. G. Farben construction management has already asked the commandant of the concentration camp to use his influence to see that "We receive Jews from Oberfuhrer Schmelt." (P.E. 1991)

(63) The chief construction engineer of I. G. Auschwitz throws some light on the question of the procurement of concentration camp inmates for I. G. Auschwitz. He states: (P.E. 2349)

"The number of prisoners furnished by the concentration camp was very limited at first, although Walther Durrfeld who wanted to expand the Auschwitz I. G. plant as quickly as possible, tried very hard to obtain labor from the concentration camp right from the beginning."

(64) On cross-examination he completely destroys the contention of the Defense that the SS was interested in forcing inmates upon unwilling Farben. Faust admits that the SS in charge of the Auschwitz concentration camp "never made as many inmates available to Farben as Farben had requested." (Tr.13989)

(65) On 26 March 1943 the minutes of the 23rd construction conference record under the heading "Employment of Prisoners" (P.E.1503)

"It was arranged with Obergruppenfuehrer Schmitt, acting as deputy for Obergruppenfuehrer Pohl, that by 1 June the number will be raised to 5,000 and later on to 6,000."

(66) On 9 September 1943 minutes of the 25th construction conference record that: (P.E. 1509)

"There were 5,500 prisoners in the camp of whom 5,400 are actually employed....An increase of staff is hampered by the difficulty of finding accommodation."

(67) On 10 December 1943 minutes of the 26th construction conference record: (P.E. 1511)

"It is endeavored to obtain 7,200 prisoners (inmates) for employment. Prisoners are also being employed in the branch building sites of Guenthergrube and Janina."

(68) Thus, Farben not only took the initiative in procuring concentration camp inmates for the construction of its Buna plant but was careful enough to obtain commitments, from the highest governmental and SS authorities, that its requirements for concentration camp labor would be met. After cementing its relations with the various levels of SS authorities, including the camp commandant, Farben thus utilized its "new friendship with the SS" to get over-increasing numbers of inmates assigned to it - from 700 in 1941 to 7,000 by the end of 1943.

(69) Moreover, Farben was not satisfied with just inmates. They had to be "healthy" inmates. This requirement, in the light of conditions at Auschwitz, was the death sentence for many thousands. The effect of this Farben policy is more fully developed, infra. That it was Farben policy that none but the fit to work could remain at I. G. Auschwitz is firmly established. (See for example: P.E. 1468; P.E. 1480; P.E. 1525; P.E. 1519; P.E. 1524)

- (c) The conditions under which the slave laborers, particularly the concentration camp inmates, worked on the Farben construction site and in the Farben factory, were inhumane and resulted in the death of thousands of human beings.

(70) I. G. Auschwitz began using inmates in April 1941 when they first started construction. In view of the fact that these inmates had to walk seven kilometers, both to and from the main construction camp Auschwitz (P.E. 1419), and thereby lost several hours out of a working day, it was decided in the middle of 1942 to erect Farben's own concentration camp, Monowitz. The erection of this camp and the appropriation of funds for that purpose was discussed in and approved by the TEA and the Vortand after recommendations from Duerrfeld, Rustefisch, and Ambros. (P.E. 1418, P.E. 1420)

(71) Under the arrangements between Farben and the SS, Farben was responsible for feeding, housing, and supervising concentration camp inmates used in the construction of the Buna plant and for work in the factory. The welfare of the workers, whether on the construction site, in the factory, or in Monowitz, was the responsibility of Farben.

The defendant Krauch remarked that:

"The I. G. Buna plant Auschwitz was not only responsible for the billeting of the concentration camp inmates, but also for the rations and supervision of the concentration camp inmates at the working place." (P.E. 1420)

Defendant Schneider said as to the responsibility:

"I was informed of the existence of the Monowitz concentration camp by Walter Duerrfeld who told me in Leuna that apart from the concentration camp of Auschwitz which was already in existence, the I. G. themselves had to establish a concentration camp, also that the I. G. was responsible for the feeding and accommodation of the inmates." (P.E. 1418)

(72) The proof is overwhelming that the living conditions and working conditions at I. G. Auschwitz were unendurable. Witness after witness appeared before the Tribunal and described the housing, the food, the clothing, the nature of the work, and the treatment of the inmates while at work, so clearly that it seems unnecessary for the purposes of this brief to do more than review very limited portions of the evidence.

FOOD

(73) It may be helpful at the outset to indicate what the defense witnesses, including Farben's top Auschwitz personnel, have said about the adequacy of the food.

Helmut Schneider, Deputy Chief of Personnel and Social Division of I. G. Auschwitz, related the following incident.

"I was sitting in my office barracks, eating an apple. I opened the window to throw the core of the apple out of the window, and concentration camp inmates were cleaning the streets in front of the barracks or doing some other kind of work and, apparently because they were hungry, they pounced on this apple core and fought over it. That was a scene from the very first days and weeks of Farben Auschwitz, a scene which, if I may add a little, I venture to say was not typical for the course of the employment of of these people." (Tr. 11416)

(74) Other top I. G. Farben officials at Auschwitz, such as Braus, (P.E. 1994), Doemming (P.E. 2348), engineer in charge of all barracks construction at I. G. Auschwitz, and Reinhold, (Tr. 14450), variously describe the inmates as emaciated and generally undernourished.

(75) Farben's deputy chief of all food procurement admitted on cross-examination that the full responsibility for feeding the concentration camp inmates was transferred from the SS to I. G. Farben and that Farben's kitchen inspector had access to the kitchens in Monowitz, as did he himself. He admitted also that

the inmates received horse meat and Grade D meat, and that the so-called bunsoup was not as good as the building soup and came from other camps, and that this soup was often eaten from rusty containers. In answer to the specific question,

"Then you were at I. G. Auschwitz, did you or did you not get the impression that the inmates did not get the food they needed to do the heavy work required of them? Now, did you or didn't you get that impression?"

He answered "Yes, I had that impression." (Tr. 14443)

(76) The true extent of Farben's responsibility for the hopeless inadequacy of the food provided for the inmates was revealed during the cross-examination of the defense witness Ulitsky, a member of a constructor firm working at I. G. Auschwitz. He had testified that in the digging of a certain trench, speed was very important. He therefore supplied an additional meal per day to the 30 inmates working in that detail. The witness Ulitsky testified that this additional meal, together with the fact that the inmates were treated very well, enabled them to finish the trench in time. The Prosecutor then asked,

- Q. "And as a result of the good treatment and the extra meal, the inmate output became 100 % or better. Is that right?"
A. Yes, the output became normal, at any rate."

On re-direct examination the following exchange took place:

- Q. "My final question is this. Was this method which you explained with respect to that particular case basically striven for?"
A. No, it couldn't basically be used because it wasn't easy to obtain additional food from the firms. We could only base ourselves upon what was approved to us by Farben upon request.

The Commissioner: Don't you think the question has been answered, counsel?

Dr. Gethers: Let him finish the last sentence.... Go ahead.

Witness: In this particular case the foreman himself suggested that those additional foodstuffs be given, apart from Farben." (Tr. 13795)

(77) With respect to food, even inmates who testified for the defense admitted that other concentration camps such as Stutthof, Auschwitz, Buchenwald and Dachau had better food than was given to the inmates at Minswitz. (Tr. 13755, 13482)

(78) One of the inmates gave the following significant information during cross-examination by the prosecution:

Q. "... During the time that you were at Buna, that is, at I. G. Auschwitz, and at Minswitz, was the food sufficient in relationship to the work which was expected of the concentration camp inmates?

A. For the undernourished inmates, the food was never sufficient.

Q. Would you say, Mr. Witness, that the condition of the average inmate was obviously such that the Poles and Germans with whom he worked could see that he was undernourished?

A. They had to see that." (Tr. 13757)

(79) As badly off as were the concentration camp inmates working for I. G. Farben with respect to food, Defense witness Dr. Savelberg, the Chief of the Commercial Department of I. G. Auschwitz, admitted in cross-examination that Farben's Eastern workers, who were completely under Farben jurisdiction, received less food than the inmates of the concentration camp who were under the jurisdiction of the SS. (Tr. 14393)

(80) Without burdening the record with the testimony of the prosecution inmate witnesses, the Tribunal's attention is called only to a few excerpts from the statements of the British prisoners of war. This is done because of the fact that the chief contention of the defense has been that all the horrible conditions described by inmates who testified for the prosecution may have been partly true during the early days of Auschwitz but that certainly after the concentration camp Minswitz was built and I. G. Farben took

ever the feeding, that those conditions were no longer true and that the inmates received 2400 to 2500 calories per day. In view of the fact that the British prisoners of war did not arrive in Auschwitz until September 1943, almost a year after Monowitz was occupied by inmates, a few excerpts from their testimony may be helpful in determining the condition of the inmates as a result of the Farben improvement.

(81) Among the Prosecution witnesses, Ferris, British prisoner of war, stated:

"They were in terrible condition. They were all skinny and not physically fit for the work they were forced to do." (P.E. 1453)

Adkins, British prisoner of war, stated:

"It was hard to believe they were human beings. They were skin and bone." (P.E. 1475)

Greenham, British prisoner of war, stated:

"They (the inmates) were all very thin and obviously suffering from malnutrition. They were more like a bag of bones than human beings. I don't know what they got apart from the noonday meal, but that meal consisted of a bowl of evil-smelling soup that our boys wouldn't eat. We gave them our soup that was thicker and better than theirs and they were so starved that they would fight over the soup we gave them. When the foremen found out that we were giving our soup to the inmates, they raised a big fuss about it and threatened us that we would forfeit our own portions." (P.E. 1453)

Dales, British prisoner of war, stated:

"The food they received at the plant was soup. This was almost plain water with a few pieces of cabbage or turnip floating around. It was so bad that when we received our soup, which was thicker than that served to inmates, our so-called better soup wasn't even edible and we used to divide it among the inmates who fought and scrambled to get some of it. ... Certainly everyone who visited the

factory would know that the Jews were being starved to death since that required nothing more than to look at them." (P.E. 1471)

Hartland, British prisoner of war, stated:

"It was obvious that the Germans hated and despised the Jews. They did not treat them like human beings. The inmates were living skeletons. They were worked and starved to death. This was obvious to myself and everyone else who worked with them." (P.E. 1519)

Albert V. Seal, British prisoner of war, stated:

"One of the worst things was the lack of food. When inmates first arrived at the I. G. Farben factory, they looked reasonably well. About a month later there was a real difference in their appearance. In two or three months they were hardly recognizable and most of them would never live more than three or four months." (P.E. 1466)

John Pascoe, British prisoner of war, stated:

"They (the inmates) were very thin and full of sores and definitely starving. It is hard to describe their condition - it was like nothing I had ever seen before. One couldn't think human beings could be tortured so much." (P.E. 1473)

LIVING QUARTERS

(82) The description of living quarters by the prosecution witnesses was substantiated in most important respects by defense witnesses. On cross-examination an inmate witness for the defense admitted that:

The barracks in the concentration camp Buchenwald were better than the Monowitz barracks;

The housing of inmates in the main camp Auschwitz was better than in Monowitz;

The main concentration camp Auschwitz had large stone buildings which contained toilets with running water and washing

facilities, in contrast to Monowitz which had one wash barracks for every 6 - 8 living barracks;

There were never really enough washing facilities at Monowitz to keep clean;

The toilets in Monowitz had no running water;

The inmates had no toilet facilities within their barracks and had to leave their barracks, in danger of being shot by a tower guard, if it was necessary to go to the toilet at night. (Tr. 13755)

(83) Farben's chief barracks engineer admitted that the inmate barracks had no running water or washing facilities, that the inmate toilets were mere outhouses with toilet trenches which were emptied from time to time and which the inmates could reach only by leaving their living barracks. This is in sharp contrast to the facilities provided for the German employees, which included hot and cold running water, steam heat, decent furniture, etc. (Tr. 13932; 13938; 11893)

(84) I. G. Farben's chief barracks engineer also admitted that in the much larger German barracks there were some 60 - 80 workers housed, whereas in the smaller concentration camp barracks, there were 160 - 165 inmates. He "admitted" that Monowitz was "100% overcrowded". It should be noted that the figure "100% overcrowded" is based on the assumption that there were only 160 - 165 inmates to a barrack. This assumption has been challenged by each and every inmate witness who testified or gave an affidavit for the prosecution, and even one British prisoner of war who "visited" Monowitz. (P.E. 1462) According to the overwhelming weight of the evidence, not 165 but between 250 and 400 inmates inhabited a single barrack in Monowitz. (P.E. 1455; P.E. 1460; Tr. 3631; Tr. 3703; Tr. 3859; Tr. 3897)

(85) Apart from the barracks, at the instigation of the defendant Duerrfeld, two tents were put up in Monowitz. Concerning these, Farben's chief barracks engineer stated:

"This was an emergency solution which could neither be justified from the point of view of fire prevention nor from the human standpoint. Fire could break out at any rate in a tent in which there were only wooden beds and straw." (P.E. 2398)

(86) The Auschwitz Weekly Reports indicate that the situation with respect to the foreign workers is not much better.

"The catastrophic situation as regards barracks which has already existed for months will therefore continue. Today in Camp II for more than 3,000 persons we have only 3 huts with washing facilities. In Camp III where some 700 Polish forced laborers, 724 Croats and 1040 Russian women are accommodated, we have no hut with washing facilities at all." (P.E. 1992)

(87) With respect to the living quarters, excerpts follow from the statements of several of the witnesses who appeared before the Tribunal:

Coward, British prisoner of war, stated:

"There I found wooden beds, three tiers high. These beds which would not have been comfortable even for one person had to accommodate two or three inmates. As a result, it was practically impossible to sleep since, if one man was in a reclining position, the others would have to sit up or lie over him. I remained in a sitting position on the whole night and was dead tired." (P.E. 1462)

Taubert, Czech inmate, stated:

"In Monowitz usually 400 prisoners slept in one block. The block was provided with facilities for 162 prisoners. In 1943 up to 3 men slept in one bed." (P.E. 1455)

Feinberg, Norwegian inmate, stated:

"We were quartered in the special concentration camp of Monowitz. Conditions were unbearable. In each room, three-tier wooden frames - set up in rows - contained approximately 300 persons. It was almost impossible to breathe." (P.E. 1430)

Horzog, Austrian inmate, in cross-examination, stated:

Q. "How many inmates lived, on the average, in such barracks, so far as you know, from your own observations at various times?"

A. 300 to 400 on the average." (Tr. 3631)

Spetter, Dutch inmate, in cross-examination stated:

Q. "How many prisoners were there in such barracks as the one in which you lived, witness?"

A. "When I arrived in the camp in 1943 I was brought to Block 22 and there were 310 others. I have not been very often in other barracks because I was too weak to walk in the evening after my work, but I have seen other barracks and I know that all of them were overcrowded." (Tr. 3897)

CLOTHING

(88) With respect to the inadequacy of the clothing the British prisoner of war Davison gives expression to the experiences related by the other witnesses. He gave his own observations as follows:

"The condition of the Jews whom we called stripes because of the striped pajamas they used to wear, was very poor. These pajamas, which were practically their only clothing, were made of a material which resembled sack-ing. They had no socks and wore wooden clogs instead of shoes. In the winter time some of them would have striped coats made of the same material. These clothes were never enough to keep them warm in the winter months. They would die of exposure. I could see the dead every day. From those which I alone witnessed, there were about 5 a day dying of the cold. There must have been many others from the rest of the factory. From what I saw, I would say that a reasonably healthy inmate arriving in the month of October could not hope to live through the end of the winter." (P.E. 1464)

(89) Defense witness Holmut Schneider, Deputy Chief of the Personnel Division of I. G. Auschwitz, described the inmates' clothing as

"completely insufficient in winter.... besides they were emaciated and had peculiar blue faces which had a depressing effect." (P.E. 2132)

(90) Defense witness Braus, Buxtefisch's deputy, said:

"They were no doubt insufficiently clothed and, in my opinion, must have felt cold. I was deeply moved by this sight." (P.E. 1994)

(91) Even the son of the defendant Jaehne stated:

"The clothing of the inmates was exceedingly deficient. I can not imagine that I could have existed in such clothing if I had only worn this thin striped suit and similar coat in cold winter days with up to 30° Cent." (P.E. 2059)

(92) In view of the foregoing admissions from Defense witnesses, it is unnecessary to cite any of the numerous descriptions of the devastating effect that the cold weather had upon the underclothed inmates. However, just to note the number and type of casualties, attention is directed to the testimony of Mr. Rausch and of Professor Waitz. Rausch of the Monowitz hospital testified that:

"A large number of inmates suffered from frostbite which rendered their limbs useless. In the winter of 1943/1944 as many as 1200 prisoners came to the dispensary for treatment every evening during the coldest weather. On one particular day when the prisoners were marched out without receiving any bread, I saw more than 20 cases of collapse in the evening, at least 5 or 6 of them died." (P.E. 1492)

Professor Waitz of the University of Strassbourg, who was an inmate physician of Monowitz, testified that:

"The worst cases of frostbite arose among the inmates working in the iron cable squads. Work in one of these squads often approximated a sentence of death, as the strain imposed upon the men was highest there. A few of the inmates, not more than 10%, had mittens placed at their disposal by the I.G. for protection..... It did also happen that the skin of inmates who had to hold cold iron, became stuck to it." (P.E. 1494)

(93) In spite of the obvious inadequacy of the inmates' clothing, it is only in the winter of 1944/1945, just a few months before the evacuation of Auschwitz, that the defendant Duerrfeld provided winter coats for the inmates. As a result,

"late in the winter of 1944 all the inmates had coats." (Tr. 12043)

(On January 15, 1945 I. G. Auschwitz was evacuated.)

PUNISHMENT

(94) Defense witness, Helmut Schneider, stated that the persons who committed offenses against labor discipline could be sent to the concentration camp. (p.E. 2132)

(95) Defense witness, Murr, points out that whenever a master foreman was dissatisfied with the work of an inmate or if the inmate, in the opinion of the master foreman, had done anything wrong, the master foreman got in touch with the SS. The unreliable elements and shirkers were purged with the assistance of the Farben security police and the Gestapo. (P. E. 2203)

(96) Defendant Duerrfeld's attitude about sending workers to the concentration camp was expressed by him on the witness stand when he stated:

"Of course, I don't know any individual cases, but I do know that from the overall point of view these were notorious shirkers who just could not be reformed. They were then reported to the police if there was no other possibility of reforming them by means of reprimands within the plant or admonitions or warnings, and if one could not educate them in any other way." (Tr. 11686)

(97) Duerrfeld admits being informed after the war by Guenther Lotzmann, one of the chiefs of the Farben security police, that he personally had beaten workers on the construction site. (Tr. 11690)

(98) The Farben management's attitude may be gathered from the testimony of defense witness Karl Beyer:

"I only observed once or twice how a master was beating an inmate. However, you can't designate that beating as mistreatment."
(Tr. 14476)

(99) Chief of the Farben plant security, Kiepman, in an Auschwitz Weekly Report, a contemporaneous document, points out that the "severest measures will have to be taken against shirkers."
(P.E. 2208)

(100) The Farben construction management's attitude toward the beating of inmates is best expressed by a contemporaneous document, an Auschwitz Weekly Report, wherein the following appears:

"To have furthermore drawn the attention of the officials of the concentration camp to the fact that in the last few weeks the inmates are being severely flogged on the construction site by the Capos (trusties), in increasing measure, and this always applies to the weakest inmates who really cannot do any more. The exceedingly unpleasant scenes that occur on the construction site because of this are beginning to have a demoralizing effect on the free workers (Poles) as well as on the Reich Germans. We have therefore asked that they should refrain from carrying out this flogging on the construction site and transfer it to the inside of the concentration camp."
(P.E. 1985)

(101) To outsiders the punishment of inmates is seen in a somewhat different light. Hartland, British prisoner of war, explained:

"Some of my most horrible recollections of Auschwitz are seeing inmates thrashed to death or beaten unconscious and taken away in wheelbarrows." (P.E. 1519)

Devison, British prisoner of war, explained:

"Polish civilians would never stop or attempt to prevent the SS or Gecos from beating or killing the inmates. As a matter of fact they would often help them." (P.E. 1464)

Adkins, British prisoner of war, stated:

"At times the inmates were hit so hard by civilians that they collapsed and had to be carried away by their comrades." (P.E. 1475)

Dales, British prisoner of war, explained:

"Once inmates were assigned to the German master they became his slaves. He had the power of life and death over these slaves assigned to him and would order them to do various tasks. A much more effective way than beating inmates to make them obey every command was to threaten them that they would be reported to the SS guards and be sent to the gas chambers." (P.E. 1471)

(102) Moreover, attention is directed to the unimpeachable contemporaneous record contained in the recently uncovered Auschwitz Weekly Reports.

"The performance, particularly of the Poles and inmates, continues to leave much room for improvement. The amount of sickness constitutes a great nuisance. For instance in the firm Schultz 182 out of the total of 353 free workers employed were sick (report of 20 Dec. 1941). The lack of discipline at work of the Polish workers is also shocking. Many of the workers work a maximum of 3-4 days per week. Every type of pressure, even commission to the concentration camp, remains without effect. In this respect it is only to be regretted that the construction management itself has no disciplinary powers. Our experience so far has shown that only brute force has any effect on these people. But this is absolutely taboo here, as incidentally it is in the Gouvernement, too." (P.E. 1988)

(103) "The attention of Herrn Sprumont, representative of the firm Sotrab, was drawn to the fact that we do not intend to put up any longer with the slackness of the Belgians, only 60% of whom turn up for work at all, and that we will not hesitate to commit the Belgians who will not work to the concentration camp. Sprumont will point out the consequences of their slackness to his workers in a circular." (P.E. 1991)

(104) Referring again to the French and Belgian workers issued from the firm Sotrabo, it is stated:

"All the methods we have tried seem to be fruitless. Even the cutting off of food supplies...." (P.E. 1992)

(105) "...severest measures will have to be taken against shirkers." (P.E. 2208)

(106) "The administration has succeeded in being firm with the Russian women and has accustomed them to a strict discipline. The result.... over-increasing improvement in the output of Russian women." (P.E. 2208)

WORKING CONDITIONS

(107) With respect to working conditions, it may be helpful at the outset to set forth some of the admissions of defense witnesses.

Defense witness Helmut Schneider, Deputy Chief of Personnel and Social Department, I. G. Auschwitz, stated:

"The question whether I know that concentration camp inmates were carried away in the evening, half dead or even dead, out of the portals of I. G. Farben building with Auschwitz because they had to be present at the camp roll call, I can answer in the following way. Not only did I hear about such matters, but I also say there were sick people among the inmates. Some of them make a lifeless impression, but in order to establish death I would have to be a doctor. I can't state definitely that Ambros and Duerrfeld saw a dead inmate. It would be very difficult to state this. I want to state only what I really know. I assume as certain that they were informed about it because this was a topic about which the whole plant talked." (Tr. 11428)

Defense witness Savelsberg, Chief of the Commercial Department of I. G. Auschwitz, directly under Duerrfeld, stated:

"When these inmates marched away from the construction site at night I saw that inmates were supported by their comrades and also some of them were carried on stretchers. The question that you just asked me, whether they were dead, I said that it was impossible to see whether they were still alive or not. They did lie on their stretchers as though they were dead." (Tr. 14612)

Defense witness Reinhold, Deputy Chief of the Commercial Department, in charge of food, etc., admitted that when he saw the inmates coming back from work from the I. G. Farben construction site, he often saw "as many as three or four inmates being carried from one detachment." (Tr. 14444)

Defense witness Doering, Chief Engineer for Barracks, admitted that he noticed inmates carrying cement sacks at double time, and that when inmates marched back to camp, he saw some of them clinging to the shoulders of their comrades since they could not walk, due to exhaustion. (P.E. 2548)

Defense witness Dietrich, inmate at Monowitz, testifying concerning working conditions at I. G. Auschwitz, admitted that

"During the winter days as many as 20 inmates were carried away from the Farben site into Monowitz because they couldn't walk by themselves any more."

He further stated that even the "bookkeeping detail" had to lay overhead pipes and carry iron beams, the weight of which was equal to the total weight of the inmates carrying it. (Tr. 13761)

Defense witness Teub, inmate of Monowitz, admitted that:

he "saw inmates beaten on the construction site";

"Many inmates were treated so badly that we had to carry them home in the evening";

They "collapsed during the working hours";

That in order to obtain more alcohol and food from the civilians, the Capos treated the inmates so badly that we had to carry some home half dead. (Tr. 13486)

That in Commando IV, the death commando (concrete and iron unloading commando), dead people and half-dead people were brought in every day. (Tr. 13487)

Defendant Duerrfeld explains the difficult tasks of the inmates, stating that since there was a small percentage of skilled workers among the inmates, naturally there was a larger percentage doing dirty work. (Tr. 11771)

Ludwig Hess, German inmate, stated:

"The barracks at Monowitz were so overcrowded that each bed was shared by two inmates. Desks and chairs were completely unknown objects. The meals had to be taken in bed in a sitting position. It could not be avoided that bits of straw fell into the meal. The straw filling of the bed, on the other hand, was polluted." (P.E. 1469)

(108) The direct connection between the Farben drive for production and the beatings inflicted upon the unfortunate inmates who were assigned to work for I. G. Farben at Auschwitz is made perfectly clear by Herbert Jachno, the son of the defendant Jachno, who was a certified engineer at I. G. Auschwitz from 5 January 1943 on. He stated:

"Of all the people employed in I. G. Auschwitz, the inmates received the worst treatment. They were beaten by the Capos, who in their turn had to see to it that the amount of work prescribed them and their detachments by the I. G. foreman was carried out, because otherwise they were punished by being beaten in the evening in

the Monowitz camp. A general driving system prevailed on the I. G. construction site, so that one cannot say that the Capos alone were to blame. The Capos drove the inmates in their detachments exceedingly hard, in self-defense, so to speak, and did not shrink from using any means of increasing the work of the inmates, just so long as the amount of work required was done." (P.E. 2059)

(109) In view of the Defense contribution to the description of the working conditions at I. G. Auschwitz, it is unnecessary to burden this brief with any quotations from the testimony of the Prosecution witnesses.

PART IV (Continued)

- (d) The inmates who were no longer fit to work on the Farben construction project or in the Farben factory were sent to the gas chambers; and the defendants' inhumane drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work.

110. Farben's inhumane drive for speed in construction and production at any cost meant that thousands of inmates were reduced to the physical state where they were regarded as no longer fit for work, which meant extermination in the gas chambers. Farben's unremitting pressure for more and more speed in the building of I. G. Auschwitz was attested to in the affidavits or oral testimony of many credible witnesses, a number of whom appeared before this Tribunal.

British prisoner of war Dales:

"I still don't know how they were able to work at the pace they did and carry the weights they carried in the broken-down condition they were in. They worked harder than they were capable of out of fear that if they appeared weak or unable to work, they would be exterminated. Many of them, regardless of their will, didn't have the strength to carry on and just collapsed."
(PX 1471)

On cross-examination, British prisoner of war Dales was asked:
"How am I to understand that they were threatened with death?"

- a. "They were told that if they didn't work to his satisfaction, he would report them to the SS who would consequently see that they got gassed."
(Tr. 3696)

British prisoner of war Ferris:

"The biggest reason for the frequent beatings of the inmates was that they didn't work hard enough. Actually they didn't have enough food or strength to work any harder. They all tried. They were too frightened not to try, but they could never keep the impossible pace set for them by the Germans, and when they staggered or slowed down or collapsed, they were beaten."
(PX 1463)

On cross-examination British prisoner of war Ferris, in response to the question "What did the Germans say about the gassing of inmates, replied:

"The Farben officials - they said that when they (inmates) got unfit for work they outlived their usefulness so that therefore it was one way out for them."
(Tr. 3841)

On cross-examination Hartland, British prisoner of war, gave the following answers to the questions of Defense counsel:

- Q. "I should like to find out from you, Mr. Witness, whether the inmates said anything to you about the fact that they were afraid to have the inmate physicians treat their wounds?"
- A. "They were afraid to have anyone treat their wounds in case because they knew that if they were found out to be so ill and were off work for a number of days, they would therefore be no longer of any use to the Germans and would be exterminated. That was common knowledge." (Tr. 3938)

Charters, British prisoner of war:

"They (inmates) would always keep trying because it was pretty generally understood that those who were too sick to work would be sent to the gas chambers." (PE 1534)

British prisoner of war Greenham:

"Because of their starved and weakened condition, the inmates just didn't have the strength to do the work at the factory. I would see them struggling to carry cables and collapse under the strain. The work would have been too heavy even for a well-nourished man; it was impossible for the inmates.... The fact that the inmates were being pushed far beyond their strength would be obvious to anybody in the plant, whether it was the foremen or supervisors, engineer or plant chief, or any of the visiting big-wigs." (PE 1453)

British prisoner of war Doyle:

"The condition of the concentration camp inmates was deplorable. I used to see them being carried back at night - dead - from exposure, hunger or exhaustion. The concentration camp inmates did heavy manual labor such as carrying steel girders, pipes, cables, bricks and sacks of cement weighing about 100 lbs. As a rule the inmates weighed less than the cement sacks. I have seen the inmates shuffle, trying to make it in double time, but unable to do it, and I have seen them collapse." (PE 1518)

British prisoner of war Frost:

"In addition to the IG Farben and other officials at Auschwitz, every once in a while big shots from the main firm would come down to the plant. In my opinion nobody who worked at the plant or who came into the plant on business or inspections could avoid

discovering the fact that the inmates were literally being worked to death. They had no color in their faces whatsoever. They were practically living corpses covered with skin and bone and completely broken in spirit. Everyone who was there knew that the inmates were kept there as long as they turned out work and that when they were physically unable to continue, they were disposed of."

(PE 1490)

Alexander, British prisoner of war:

"The Poles who worked in the shops at Auschwitz and in the station, and the German guards who guarded us, and the German civilians such as the Farben man who was head chef at our camp - all would talk with me about the gassing of the concentration camp inmates. None of them ever denied that the inmates who worked for Farben and who no longer were strong enough to continue working were sent to the gas chambers... Nothing happened during the two years that I was there which would indicate that any other disposition was being made of the inmates. Of the many thousands that came through, not one ever came back."

(PE 1535)

Langdon, British prisoner of war:

"They were all convinced that at Auschwitz that anybody who was no longer fit to work would be gassed, and the Germans used to use that as a lever and threatened the foreign laborers that they would be sent to Auschwitz."

(PE 1522)

111. The attitude on the part of Farben of "not fit to work, not fit to live" is probably best illustrated by its complete lack of patience with any sickness which reduced the work output.

(PE 1447, PE 1448)

112. In the case of the British prisoners of war, the two British doctors responsible for the health of the prisoners of war have charged that I. G. Farben issued an order "in clear and no uncertain terms that in order to meet necessary production efficiency", the sick list, i.e., those permitted to abstain from work, had to be kept "to a maximum of 3%". Naming the responsible I. G. Farben officials, Dr. Spender testified that men whom he designated as unfit for work were "re-examined" in a perfunctory 30-second examination and declared fit to work and marched "with fixed bayonettes.... off to the I. G. Farben factory."

(PE 1486)

Dr. Spencer's testimony is fully substantiated by that of his colleague, Dr. Robertson, (PE 1487) and by that of prisoners of war who were among those selected by Farben doctors as fit, even though confined to bed with a fever and declared unable to work by the competent British medical officers. (PE 1464, PE 1453).

113. The system, which was harsh and cruel when applied to foreign workers and British prisoners of war, was outright murder when applied to inmates of the concentration camp Monowitz. Professor Epstein, whom Buchsfield testified "he tried to have released" after learning that he was a "very famous and capable man", (Tr. 11797) has given the following testimony:

"General directives in Monowitz prescribed that only such inmates could be admitted to the sick ward whose recovery does not take more than two weeks. This was justified by the fact that I.G. Farben Auschwitz paid sickness benefits for every inmate for two weeks only The sick ward at Monowitz was visited by civilian persons. The mere sight of the inmates must have opened the eyes of anybody as to the condition of the inmates. The average ability of an inmate laborer who worked at I.G. Buna Auschwitz lasted 3 - 4 months I remember inmates who asked to be sent to Auschwitz because they preferred death to life in the camp." (PE 1485)

114. The witness Hensch testified that the SS doctor Vetter and other camp doctors often stated:

"The number of patients is too large. The IG. will not stand for it. More people must be discharged. This meant practically that the inmates were mostly released prematurely after two or three weeks or else were sent to Birkenau to be gassed. In addition to this, a graph or chart was made which showed the number of patients. When the number of patients of the camp inmates had exceeded 10 %, this was also usually followed by selections or premature mass discharges ... The turnover of inmates in Monowitz was very high because of the difficult working conditions in the IG. Farben plant. In this respect the direct cause of death in the camp were of the least importance.

"Most of the worn-out inmates were selected in the block or directly by the gate for gassing in Birkenau." (PE 1492)

115. The eminent Professor Waitz* of Strassbourg University fully confirmed the IG percentage limitation on inmates permitted to be sick.

The effect of the IG policy is further explained by him as follows:

* Who is Chevalier, Legion d'Honneur and bearer of the French Distinguished Service Cross 1939-1945 and of the Resistance Medal

"There was a direct connection between I.G.'s desire for prisoners fully capable of work and the selection parades in Monowitz, insofar as I.G. insisted on new manpower supplies while the working capacity of the prisoners was decreasing. A selection parade was therefore held in the camp. That is, the weak prisoners went to the gas chambers at Birkenau and reserves came from the loss camp to take their place. In making the selections, however, the following exceptions were observed: should it happen that workers from units of skilled men were selected, it was found possible in sundry cases to rescue them from the fate of death by gassing. The camp police established contact with the I.G. Foreman and requested him to telephone the SS in order that the names of the people concerned might be struck off the roll by the Political Department. Thus the Foreman knew all too well why it only required a word from them, in many cases, to save a prisoner from certain death by gassing." (PS 1494)

116. Bearing in mind the testimony of Ross, Rausch, Epstein, Waite and the others who worked in the hospital at Monowitz, with respect to the incredibly overcrowded condition of the hospital ward, the testimony of the Defenses witness Rosenberg is significant. Concerning the man Farkas's chief barracks engineer at I.G. Auschwitz, stated:

"End of 1942 I.G. Auschwitz (Walther Guorrwald) rejected the request made by the SS to provide additional sick bays in Monowitz. 2 - 3 wooden barracks were provided for this purpose by I.G. But the SS demanded that I.G. should build concrete stone houses as hospital. Following this, I.G. rejected the construction of sick bays on account of technical reasons and instead suggested to the SS that the sick inmates be returned to the concentration camp Auschwitz, in case the number of patients in Monowitz should be so high that the available sick bays no longer suffice." (PS 2348)

On cross-examination Prof. Waite provided the Tribunal with the inmates' version of the same episode. Referring to the inmate patients in the Monowitz hospital, he stated:

- A. "They were lying in bays in tiers and sometimes two or three in one bed.
- Q. Were these exceptional conditions when the infirmary was overcrowded and, on principle, was there a bed provided for each patient?
- A. No, we had not enough beds, and one can say that in the transit station and in the surgery it was a rule to see at least two, sick in one bed, and it is unnecessary to say that these conditions of cohabitation were disastrous because dysentery on the one side and phlegmons on the other hand were evidently contagious. Furthermore, it was impossible for these people to rest a rest if there were two or three lying on one bed.

Q. Dr. Weitz, was this a normal condition or were those abnormally over-crowded conditions?

A. It was a normal condition, and for that reason were frequently we asked the camp physician to get from the I.G. the authorization to take over new blocks for hospitalization there to billet our sick, and the camp physician came back, and I heard him say on three different occasions: "At the meeting from which I came I could not get an assignment of new hospitalization blocks for our infirmary." (Tr. 3792)

117. The Tribunal's special attention is directed to the affidavits and cross examination of the witnesses Rausch and Schulhof and Prof. Weitz, who knew at first hand the disastrous effect of the Farben drive for production. Prof. Weitz, as late physician, Rausch, who kept all the books and records within the hospital Monowitz, and Schulhof, who was in charge of inmate labor allocation, knew of the terrible turnover of exhausted inmates working for Farben and the selections of these inmates for the gas chambers.

118. The combination of starvation, exhaustion, punishment took a heavy toll from Farben's slaves. The witness H. H. H. testified that of the 50,000 inmates who went through I. G. Auschwitz

"10,000 were sent to auxiliary camps, 10,000 were left when the camp was dissolved. I cannot give any definite figure but it is probably right within 1,000, one way or another. Another 10,000 were released as those were 'E' prisoners - labor training prisoners. 30,000 died." (Tr. 363)

119. The almost phenomenal recorder of the witnesses Rausch, Schulhof and H. H. H. with respect to the mortality of Farben's victims has been confirmed by contemporary records just recently uncovered, an actual record of deaths in I. G. Auschwitz.

120. These records show that from 16 November 1942 to 15 January 1945 (the date of the evacuation), of the inmates working at I.G. Auschwitz 1647 did not leave the Farben premises alive. The records also show that during a slightly shorter period, November 1942 to September 1944, 7295 of the inmates assigned to I.G. Farben were sent from the hospital in Monowitz to Auschwitz-Birkenau, suffering from collapse, weakness, diarrhea, edema, phlegmons, etc. (PS 2062)

121. In this connection it may be recalled that witness after witness for the prosecution, testified that these shipments went to the gas chambers. Since then, it will be recalled that defense

Witness H. V. confirmed that the destination of these shipments was the gas chambers. On cross-examination of the SS Dr. Munch, who testified before the Tribunal, the following questions and answers took place:

- Q. "...Mr. Witness, those persons who were in the hospital at Monowitz and were shipped to Auschwitz-Birkenau because of edema and phlegmons, for what purpose were they shipped to Birkenau?
- A. As far as those people were Jews, I must state that most of them were gassed.
- Q. And, Mr. Witness, if they were sent from the hospital in Monowitz to Auschwitz-Birkenau and they were Jews and they were sent because of weakness and collapse, why were they sent to Birkenau?
- A. Also to be gassed." (Tr. 14339)

Another defense witness, an inmate of Monowitz, testified as follows on cross-examination:

- Q. "Mr. Witness, going back for a moment to the testimony about the knowledge of gasins, isn't it a fact that about two or three times a week, open trucks drove along the I.G. Farben plant, going from Monowitz to Birkenau with inmates who were no longer able to work?
- A. That is true.
- Q. Now, wasn't it common knowledge among the inmates that those inmates no longer able to work were being sent to Birkenau to be gassed?
- A. Yes.
- Q. As a matter of fact, weren't the clothes of the dead inmates returned very shortly thereafter to Monowitz?
- A. That is correct." (Tr. 13763)

On re-direct examination by Dr. Seidl, the following additional testimony was elicited:

- Q. "Did you observe such transports twice or three times a week?
- A. Of course.
- Q. How many inmates were on such trucks?
- A. 80 to 100 men, approximately.
- Q. How do you know that these inmates were not, for instance, being transferred to another concentration camp or to another of the 40 labor camps belonging to Auschwitz?
- A. One could hardly have taken fatally ill inmates into another labor camp.
- Q. Witness, don't you know that in a concentration camp Auschwitz, as well as in the concentration camp of Birkenau, there were large hospitals, and don't you know that inmates who were sent to Auschwitz or Birkenau were then returned to Monowitz after being cured?
- A. I think there was only a very slight percentage where that was the case." (Tr. 13759)

122. It will be recalled that the witnesses for the prosecution who were in charge of the various records like chief recorder, Horzog, labor allocation, Schulhof, and hospital, Rausch, estimated the number of deaths directly attributable to I.G. Auschwitz between 30,000 and 35,000 (Tr. 3637; Tr. 3757, PE 1452) In his testimony on cross-examination the witness Rausch states that the proportion of inmates sent to Auschwitz-Birkenau for passing from I.G. Auschwitz was three to four times as great as those sent from the Monowitz hospital alone. (Tr. 3759)

123. The recently uncovered records showing a little over 7,000 sent from Monowitz hospital to Auschwitz-Birkenau, (PE 2262) when added to three times that figure for all of I.G. Auschwitz, is an approximate figure of 29,000. Adding the 1600 who died on the I. G. premises, gives a total of 30,600 which is almost exactly the estimated figure of the various witnesses who testified for the prosecution in this case before the death records were found.

124. The following testimony of witness Horzog was brought out on cross-examination:

- Q. "You say 'The system of Fehren in letting only the fully fit work in Buna is responsible for far more deaths than the individual murders in other concentration camps.'"
- A. Yes.
- Q. But I can see to you from what we know here and the comparison with the number that you have given, it cannot possibly be correct.
- A. Then I can put the following comparison to you. I was in Buchenwald before and afterwards. Buchenwald is a camp that existed for eight years, from 1937 to 1945, and the almost exact figure of eight years - and the horrors in the first years were enormous, there were many murders. The figure was 52,000 in eight years. According to my fairly accurate estimate, in the two and a quarter years at Buna there was 30,000 deaths." (Tr. 3638)

On re-direct examination the witness testified as follows:

- Q. "Mr. Horzog, could you give a breakdown of the figure of 60,000 that went through the camp, indicating how many went to other camps and what may have happened to others--the breakdown of the 60,000 figure?"
- A. 10,000 were sent to auxiliary camps and other camps, 10,000 were left when the camp was dissolved. I can't give any definite figure, but it is probably right within a thousand one way or another. Another

10,000 were released, as these were 'B'
prisoners -- 1 for training prisoners.
30,000 'ind.' (Tr. 3637)

On re-cross examination, the witness testified as follows:

Q. "Witness, do you maintain your figure of
60,000 even if, from the affidavits of
other Prosecution witnesses, it can be
seen that altogether only 30,000 inmates
passed through Monowitz?"

A. "Then I can only tell the other prisoners
that they were not in charge of the office
but I was." (Tr. 3637)

(e) The defendants are criminally responsible for these
activities pursuant to the provisions of Article II
of Control Council Law No. 10.

125. The activities described above constitute Crimes Against
Humanity regardless of the nationality of the inmates (Sec. I (c)
of Article II of Control Council Law No. 10) and War Crimes, except
where such atrocities were committed on German nationals. (Sec. I (b)
of Article II). The defendants committed these crimes in that they were
principals in, accessories to, ordered, abetted, took a consenting
part in, were connected with plans and enterprises involving, and were
members of organizations or groups, including Furber, which were con-
nected with, the commission of said crimes.

126. The responsibility of the Vorstand for what happened in
I. G. Auschwitz is clear. Some of the highlights of the participation
of Vorstand members follow:

- A. Ambros, for Hans von Krauch agreed to the
Auschwitz site with knowledge of the existence
of the concentration camp and in contemplation
of the use of concentration camp inmates. (PE 1419,
PE 1414)
- B. Ambros pointed out, in his own direct, that
being a former Vorstand member he could not
dispose of hundreds of millions of Reichs-
marks alone and he had to inform "the Vorstand.....
Mr. Schmitz and Mr. Krauch, who was still in the
Vorstend at that time". (Tr. 7930)
- C. Both the TGA and Vorstand were fully informed
of the details of the proposal and approved
the deal, never protesting against the use of
concentration camp inmates. (PE 1418)
- D. It was at Krauch's request that both Goering
and Himmler issued orders directing the SS to
make concentration camp inmates available to
I.G. Furber for the construction of the fourth
Buna plant and causing the evacuation of the
Jews and Poles from Auschwitz in order to make.

room for the I.G. Farben employees. For Maar, Lohres and Duerrfeld were so informed. (PE 1417, PE 2199, PE 2201)

- E. After Buxteffisch and Lohres reported in detail on Auschwitz and Buchenwald to the TRI then appropriated 18,500,000 RM for Auschwitz. (PE 1425)
- F. The day after the first TRI appropriation Buxteffisch arranged with Obergruppenfuhrer-SS Wolf for concentration camp inmates for Auschwitz. (PE 2200)
- G. The greatest single factor which caused the destruction of thousands of inmates of I.G. Auschwitz was the unrelenting pressure to speed construction and production. In this connection it should be noted that it was Krauch's office through which the deadlines were set and it was Krauch with whom deadlines were discussed at regular meetings. (Tr. 11549)
- H. Lohres approved the Duerrfeld drive for production (PE 1994) and reported on progress to Krauch directly (PE 1443). It was Krauch who assisted I.G. Auschwitz by fighting the battle with the SS authorities for concentration camp inmates. (PE 2207)
- I. Even when I.G. Auschwitz bargained with the SS for a great number of inmates from Auschwitz concentration camp, it was Krauch's ability as Chairman to supply building materials for extending the concentration camp Auschwitz that was used as a bargaining point. (PE 2206)
- J. Again and again, during the course of the construction of I.G. Auschwitz, the TRI was called upon to appropriate the necessary funds.
On 24 April 1941, 22, 135,700 RM were appropriated for I.G. Auschwitz. (PE 1432)
On 9 July 1941, 54,000,000 RM were authorized for the Loun part of Auschwitz and 34,610,000 RM for the Buna part of Auschwitz. (PE 1434)
On 6 November 1941 TRI appropriated 46, 952,000 RM for the Loun part of Auschwitz and 5,910,000 RM for the Buna part of Auschwitz. (PE 1436)
On 8 January 1942 TRI appropriated 49,085,000 RM for the Loun part of Auschwitz and 23,693,000 RM for the Buna part of Auschwitz. (PE 1438)
On 17 February 1942 TRI authorized 307,000 RM for the Loun part of Auschwitz and 34,396,000 RM for the Buna part of Auschwitz. (PE 1439)

Before setting forth any further TRI meetings, the Tribunal's attention is called to the fact that as of February 1942 Dr. Struss, the permanent secretary of the TRI who explained to members of the TRI the labor allocation charts and other details concerning Auschwitz, was aware of the mass burnings of human beings at the Auschwitz concentration camp. On his first visit to Auschwitz, in his train

compartment containing some 10-15 persons, conditions at Auschwitz including the mass burnings, were discussed in loud tones. (PE 1876)

K. Thereafter, on 9 April 1942, TFA appropriated 19,241,000 RM to the Leuna part of Auschwitz and 7,524,000 RM to the Buna part of Auschwitz. (P^r 1441)

On 28 May 1942, 3,357,000 RM were appropriated by TFA for the Leuna part of Auschwitz and 5,221,000 RM for the Buna part of Auschwitz (PE 1442)

On 9 July 1942 TFA appropriated 1,207,000 RM to Leuna for its part of Auschwitz and 2,670,000 RM for the Buna part of Auschwitz (PE 1456)

On 28 October 1942 TFA appropriated 1,436,000 RM for the Leuna part of Auschwitz and 6,324,000 RM for the Buna part of Auschwitz. (PE 1498)

On 15 December 1942 TFA appropriated 6,776,000 RM for the Leuna part of Auschwitz and 69,670,000 RM for the Buna part of Auschwitz. (PE 1499)

On 17 February 1943 TFA appropriated 2,113,000 RM for the Leuna part of Auschwitz and 10,202,000 RM for the Buna part of Auschwitz. (P^r 1522)

On 15 April 1943 TFA appropriated 95,000 RM for the Leuna part of Auschwitz and 3,017 for the Buna part of Auschwitz. (P^r 1504)

On 30 June 1943 the situation at Auschwitz plant was discussed and pictures of the construction at Auschwitz were shown. (P^r 1506)

It should be noted again that during the summer of 1943 Dr. Struss visited Auschwitz for the second time. From the time he had first heard of the mass burnings at Auschwitz, all the persons with whom he had spoken who had come from I.G. Auschwitz, had always given evasive answers when asked to confirm or deny the story Struss heard in the railroad train (although one of them denied it). On his second visit to Auschwitz Struss specifically asked one of the chief engineers at I.G. Auschwitz whether or not the story was true. I.G. Farben's "Chief Engineer" Heidebreck, confirmed that it was true and added that the mass burnings took place after the victims had been gassed. Struss stated that to the best of his recollection he spoke to both ter Meer and Andres concerning what chief engineer Heidebreck had told him. (PE 1876)

L. Thereafter, on 1 September 1943, TFA appropriated 3,850,000 RM for the Leuna part of Auschwitz. (PE 1508)

On 3 November 1941 189,000 RM for the Leuna part of Auschwitz and 15,416,000 RM for the Buna part of Auschwitz were appropriated by TEL. (PS 1510).

- M. Most of the Vorstand members were present at the TEL meetings at which funds were allocated for Auschwitz. The meeting of October 1942, for example, was attended by Schnitz, Schneider, Buetefisch, ter Meer, Ambros, Hurster, Jachno, Lautenschlaeger, Hoerlein, Kuehne, Buergin, Gejewski, von Schniteler and Haefliger. (PS 1498).

In addition, von Knieriem often attended TEL meetings. (PS 1425).

As a rule, on the day after each TEL meeting, the Vorstand met to approve the appropriations decided upon in the TEL. (PS 1419; 1432; PS 1433).

- N. The TEL was regularly informed regarding trend in status of workers, including the different categories of workers such as foreign workers, PW's and concentration camp inmates in the Farben plants. (PS 1557). The TEL had to have precise information because it had to pass upon the credits for the housing of these workers and recommend to the Vorstand the approval and allocation of the credits. (PS 1318).

- O. Ter Meer reported the TEL meetings to the Vorstand. It was the responsibility of the Vorstand as the "employer" in the sense of the law for the regulation of labor to decide the workers' fate, determine conditions, etc. (PS 1309).

- P. The members of the TEL not only received full explanations concerning labor allocations at Auschwitz, but even such details as the fact that the SS was to be paid 3 RM per day for each inmate. It was pointed out to the TEL that this would "hardly be profitable if one considers that one cannot count on normal work efficiency of concentration camp inmates and that additional strength was lost by the long march to work and transportation back into the concentration camp." (PS 1416).

- Q. Later, the TEL obviated this long march to work and transportation back into the concentration camp by appropriating some 5,000,000 RM for the erection of the "concentration camp Concordia within the I.G. territory Auschwitz for reasons of expediency." (PS 1420).

- R. Of course, the TEL was kept informed of the success the local I.G. Farben management was having in procuring more and more concentration camp inmates from the SS. (PS 1426) as well as concerning actual conditions existing at I.G. Auschwitz. (PS 1419, PS 1428).

- S. In addition to the copy of the Construction Conference reports available to the TEL, individual defendants such as Schnitz, ter Meer, Schneider, Buetefisch and Ambros received their own personal copies. (PS 1418, 1419).

- T. In addition to construction reports and TEA meetings, various Vorstand members had other sources of information concerning I.G. Auschwitz. Thus defendant Schneider, as chairman of the Betriebsfuhrer meetings, would hear Ambros' reports on Auschwitz. (P.E. 1418)
- U. Defendant Jaehne, as chairman of TEKO meetings, conducted discussions re Auschwitz. (P.E. 2056, P.E. 2057, P.E. 2058, Tr. 9997)
- V. Defendant Ambros at the meetings of the Rubber Committee discussed the problems of Auschwitz Buna plant. (P.E. 869) (ter Meer also present at this meeting.)
- W. All money matters of any importance had to be approved by defendant Schultz who, for this reason, often attended TEA meetings. (Tr. 7830)

(127) In addition to the foregoing, there was still another important source of information available to members of the Vorstand. The following Farben defendants were eye witnesses to conditions at I. G. Auschwitz:

1. Ermach visited I. G. Auschwitz and Concentration Camp Auschwitz. (P.E. 1420, P.E. 1423)
2. Von Knieriem visited the Auschwitz construction site and all the branch installations, November 1942. (P.E. 3207)
3. Schneider was twice at I. G. Auschwitz and attended a construction meeting there. (P.E. 1418, P.E. 1423, P.E. 1501)
4. Jaehne visited I. G. Auschwitz three times, and "from time to time" his son came from Auschwitz to visit him. (Tr. 9997)
5. Ambros visited I.G. Auschwitz according to his own admission "approximately 4 times in 1941, 4 times in 1942, 5 times in 1943 and 5 times in 1944". (P.E. 1419) and also the IG Auschwitz (Tr. 7844, Tr. 7848), as well as IG Monowitz. (P.E. 1419)

6. Buetefish visited Auschwitz and Furstengrube and attended conferences at both places on a number of occasions. (P.E. 1420, P.E. 1423, P.E. 1446, P.E. 1509, Tr. 8763, Tr. 8767)
7. Ter Meer visited Concentration Camp Auschwitz as well as I. G. Auschwitz and even was inside the Concentration Camp Monowitz. He was at I. G. Auschwitz in both 1941 and 1942 during the time when even Durrfeld admits things were pretty bad but Ter Meer "didn't see a thing". (P.E. 1416, P.E. 2307)

(128) As we have reviewed the evidence in connection with Part III of this brief, we have seen that these defendants knew that human beings were being exterminated by the thousands in Auschwitz and other concentration camps; that they chose a construction site for one of their largest plants in contemplation of the use of the labor of these inmates; that they took the initiative in pressing for more and more inmates to speed up construction, demanding at the same time that they be healthy; that they worked them under conditions which were so inhumane that thousands of them died; that the inmates used on the construction project and in their factory were sent to the gas chambers when they were no longer fit to work; and that the drive for speed in construction and increased production at any cost resulted in tens of thousands of inmates being exterminated because they were regarded as being unfit for work. We have even seen that Farben supplied some of the methanol which was used to burn the corpses (P.E. 1517) and that Farben took its share of the old clothes of the victims. (P.E. 1429, P.E. 1484)

(129) These things seem almost unbelievable. The attitude which can permit things such as this to happen is perhaps best described in a letter written on 30 July 1942 by a Farben employee at I. G. Auschwitz to a Farben director at I. G. Frankfurt:

"You can imagine that the population is not going to behave in a friendly or even correct manner towards the Reich Germans, especially towards us I. G. people. The only thing that keeps these filthy people from becoming rebellious is the fact that the camp (the concentration camp) is in the background. The evil glances which are occasionally cast at us are not punishable. Apart from these facts, however, we are quite happy here. ***

"With a staff of such a size, you can well imagine that the number of accommodation barracks is constantly increasing and that a large city of shacks has developed. In addition to that, there is the circumstance that some 1,000 foreign workers see to it that our food supply does not deteriorate. Thus we find Italians, Frenchmen, Croats, Belgians, Poles, and, as the 'closest collaborators' the so-called criminal prisoners of all shades. That the Jewish race is playing a special part here, you can well imagine. The diet and treatment of this sort of people is in accordance with our aim. Evidently, an increase in weight is hardly ever recorded for them. That bullets start whizzing at the slightest attempt of a 'chance of air' is also certain as well as the fact that many have already disappeared as a result of a 'sunstroke'." (P.E. 1497)

(130) Of far greater significance than the correspondence between two I. G. Farben officials is the correspondence between Krauch and Himmler in which Krauch is so completely satisfied with the Auschwitz "method" of solving labor problems that he suggested to Himmler that the same solution be used in other construction. In July 1943 he wrote to Himmler that he was

"particularly pleased to hear that during this discussion you hinted that you may possibly aid the expansion of another synthetic factory..... in a similar way as was done at Auschwitz by making available inmates of your camps if necessary. I have also written to Minister Speer to this effect and would be grateful if you would continue sponsoring and aiding us in this matter". (P.3. 1526)

Again, in February 1944, Krauch, still completely satisfied with the Auschwitz solution, gave the following instructions in order to speed the construction of Heydraback:

"In order to overcome the continuous lack of labor he must establish a large concentration camp as quickly as possible following the example of SS (Auschwitz)....." (P.3. 1545)

(f) Analysis of Defense case on Auschwitz

(131) Having presented the highlights of the evidence sustaining the Prosecution's burden of proof with respect to the guilt of the defendants of the crime charged under Count III (c) of the Indictment, it may be helpful to describe briefly the nature and quality of the defendants' defense of Auschwitz. In view of the fact that the Duerrfeld defense was stated on the record to encompass the defense of all defendants with respect to Auschwitz (Tr. 11290), discussion will be limited to the evidence introduced by Duerrfeld.

(132) At the outset it should be noted that of the 427 documents contained in the 19 Duerrfeld document books, less than 10% were contemporaneous documents. The balance were all affidavits.

(133) Of the 40 contemporaneous documents introduced, nine are documents originating with SS agencies and bearing upon peripheral aspects of the case.

- (1) In one, Himmler expresses concern lest people get the idea that "we arrest men or, what is worse, keep them in detention in order to have workers". (Duerr, Exh. 367)
- (2) Four documents refer to miscellaneous matters such as number of working hours (Duerr, Exh. 368), removal of bombs (Duerr, Exh. 369), prevention of escape (Duerr, Exh. 374), and the SS prohibition against "beating, striking or even touching of the inmates" (Duerr, Exh. 375)
- (3) Three other exhibits, one of which was and two of which should have been introduced by the Prosecution, show; that Farben is the largest employer of concentration camp inmates of all the industrial establishments supplied by Auschwitz (Duerr, Exh. 371); that of the 21 companies, I. G. Auschwitz, Janina, Fuerstengrube and Guenthergrube used concentration camp inmates (Duerr, Exh. 372), and that of seven firms using concentration camp labor at Auschwitz, I. G. Farben alone employs more than the total number of inmates employed by the other six companies together (Duerr, Exh. 373).
- (4) Finally, the ninth SS document, which also should have been used by the Prosecution, is a letter from Pohl to Brandt specifically placing responsibility for housing concentration camp inmates who are working for private industry, in the hands of industry. (Duerr, Exh. 370)

(134) 13 of the 40 contemporaneous documents are Auschwitz Weekly Reports (Duerr, exh. 381 through 393). In view of the fact that Weekly Reports introduced by the Prosecution showed affirmatively Farben's initiative in securing concentration camp inmates and the Farben attitude with respect to the treatment of the inmates working at I. G. Auschwitz, the Prosecution studied the 13 Weekly Reports introduced by the Defense to find one instance in which the Weekly Report indicates that the Farben construction management was pressured by some outside source into taking concentration camp inmates, or one indication that the Farben construction management opposed the beating administered to the inmates at I. G. Auschwitz. Needless to say, the Weekly Reports introduced by the Defense contained neither.

(135) Six of the 40 documents are the contracts between Farben and the construction firms. (Duerr. Exh. 4,5,6,7,8,9)

(136) Nine of the 40 documents are a miscellany of four regulations from the Ministry of Justice regarding employment of convicted prisoners. (Duerr. Exh. 377, 378, 379, 380); three documents on labor protection and accident prevention (Duerr. Exh. 39, 50, 51); one document showing that Duerrfeld went to Ludwigsfelde to discuss Buna IV (Duerr. Exh. 125); and one document indicating that the water in I. G. Auschwitz was potable after 1943. (Duerr. Exh. 87)

(137) Document No. 1055 (Duerr Exh. 11) is an interesting report of a French doctor inspecting the various labor camps. Apparently it was included by the Defense because of one phrase in a sentence mentioning "a model camp". The prosecution now submits the entire sentence in context. Under the heading "Sick Bays" it is stated:

"The standard of general upkeep very very considerably and are not always in keeping with the general tone of the camp itself. I saw, for instance, in Auschwitz, Block 11, from a model camp accommodating 2,000 men, a hospital sick bay which was infested with bugs. The water closet consisted of a small hut outside and was revoltingly filthy. For the most part, the treatment in such hospitals is unsatisfactory."

Moreover, under the heading "Medical Supply" which the Defense ignores completely, the report points to the great need of medical equipment, particularly for the "neurotic camps, especially camps such as Auschwitz, which is a great distance from the sick bay". The Defense also ignores the paragraph dealing with "Catering conditions" which points out:

"There are a good many camps today in which, despite a 12-hour working day, rations have not been increased."

It then states that "Certain camps, such as DZAG, Berlin, have succeeded, thanks to model installations and great efforts on the part of the management in serving quite decent meals." Auschwitz is conspicuously omitted as one of the camps where, thanks to the efforts on the part of the management, decent meals are served.

(138) The two remaining documents of the 40 documents introduced are both interesting, particularly for the reason that neither one is permitted to speak for itself. In both cases the Defense has seen it necessary to submit with the document an affidavit explaining it and showing that it means something different from what it actually says.

(139) Thus, for example, document 1061 (Duerr, Exh. 27) consists of three menus showing daily food served (1) to heavy workers, Polish kitchen; (2) heavy workers, German kitchen; and (3) Eastern workers. All three menus are obviously complete. As a matter of fact where anything additional is given such as in the German workers' menu, it is noted at the bottom of the menu. The Defense nevertheless submitted an affidavit (Duerr, Exh. 38) explaining that the Eastern workers' menu is not really complete since there were additional rations given to Eastern workers which do not appear on the menu. The obvious reason for the Defense affidavit explaining the menu is that it is apparent from merely looking at the Eastern workers' menu that Eastern workers were being starved by Farben. In this connection should be noted that Defense witness Eysenhardt (Chief of I. G. Auschwitz Commercial Dept.) admitted on cross-examination that the Eastern workers received even less food than the concentration camp inmates at Monowitz. (Tr. 14390)

(140) The final document, No. 958 (Duerr. Exh. 42) indicates that concentration camp inmates working for Farben are insured against accidents. Here again the Defense affidavit (Duerr. Exh. 43) must explain the misleading character of the document by stating that Farben had believed that the expense for the insurance of the inmates would be included in the per day payment to the SS.

(141) The foregoing covers the Farben defense on Auschwitz insofar as this defense is based on contemporaneous documents.

(142) The remainder of the Defense case on Auschwitz was based upon 386 affidavits. Manifestly it would not have been practicable to have attempted to call all or a substantial number of the affiants to Nurnberg for cross-examination. Instead, the Prosecution has called for cross-examination the two most important groups of witnesses: (1) The leading personalities at I. G. Auschwitz; and (2) All affiants who were former concentration camp inmates.

THE LEADING PERSONALITIES AT I. G. AUSCHWITZ

(143) The following were the leading figures at I. G. Auschwitz: Faust, Chief Construction Engineer; Murr, Chief Construction Engineer (who was succeeded by Faust); Braus, chief representative of Chief Pura Engineer; Bueteffisch; Santo/Savelsberg, Chief of the Commercial Department; Rossbach, Chief of the Personnel and Social Department; Reinhold, Deputy Chief of Commercial Department; Helmut Schneider, Deputy Chief of Social and Personnel Department; Dommig, Chief Barracks Engineer; Reichbrock, Technical Engineer; von Baarsfeld, Personnel and Social Department; etc.

(144) At this point no useful purpose will be served in repeating the damaging testimony which almost all of those witnesses who appeared for cross-examination gave against the Defense. These can adequately be seen under the headings "Initiative for Concentration

Camp Inmates", "Food", "Working Conditions", "Clothing", "Punishment", etc. What is perhaps more significant than the damaging admissions reluctantly made by these I. G. personnel is the evidence which was not introduced in this case.

(144) Defense witness Faust who was Chief Engineer of I. G. Auschwitz and who personally attended every important meeting where concentration camp inmates were sought to be procured from the SS, gave six affidavits to the Defense and never once mentioned procurement of concentration camp labor.

(145) Defense witness Rosebach, who was one of the main departmental chiefs--the head in charge of labor allocation and the head of the Social Department (Tr. 14016), and who would be the one person in I. G. Auschwitz who would have the most information concerning all personnel and social questions (Tr. 14023; see also Tr. 11667 and Tr. 11671), gave the Defense two affidavits (Duerr. Exh. 143 and 167), neither one of which even scratched the surface of social and personnel problems. As little as Rosebach said in his one-page affidavits, that little was withdrawn by Dr. Soidl (Tr. 13363) when the Prosecution offered in evidence a counter affidavit of the same witness, which really dealt with the conditions in Auschwitz with which he was familiar. (P.E. 2209) In view of the withdrawal of the two Defense affidavits of the witness Rosebach, the Prosecution affidavit of the same witness had to stand or fall as a rebuttal document. The Tribunal subsequently ruled that it was improper rebuttal material.

(146) A similar situation obtained with respect to the witness von Seatonfels, who, the Defense had announced, would appear before the Tribunal. (Tr. 11376) The affidavit (Duerr. Doc. 123) was not even offered in evidence.

Two of the affiants, Heydbrook and Santo, included above as top I. G. Auschwitz personnel, did not appear for cross-examination. (N.S. The Prosecution concedes that Santo was asked for rather late and may not have had an opportunity to arrive in time.)

AFFIANTS WHO WERE FORMER CONCENTRATION CAMP INMATES

(147) Of the 355 affidavits, 15 were affidavits of former concentration camp inmates. The Prosecution promptly asked for all 15 for cross-examination for the reason that it was inconceivable to the Prosecution that any inmate could testify that I. G. Farben was not at fault, or that conditions were not bad, and still stand up under cross-examination unless the character of the inmates was such as to preclude any probability of truthfulness. The order in which the cross-examinations took place was as follows:

(148) Hostler. After it appeared that Hostler was interned in the concentration camp because he was an habitual criminal and, specifically, after having been convicted eleven times between 1918 and 1931 for fraud and forgery and then, after spending most of his life from 1919 until 1945 in jail, was convicted again during the American occupation -- the Prosecution asked no questions on the substance of his affidavit. (Tr. 11968)

(149) Taub. It appearing that Taub had no criminal record, the Prosecution cross-examined the witness on the merits of his affidavit with the result that the testimony elicited was completely in harmony with the testimony of the inmates who appeared on behalf of the Prosecution. (Tr. 13482-9)

(150) Thereafter Dr. Seidl withdrew the affidavits of three other non-criminal inmates, two of whom had already appeared in Nurnberg for cross-examination (Tr. 13491):

Wechsman	(Duerrfeld Exh. 189)
Schuldsen	" " 210
Loewenbraun	" " 217

(151) Dietrich. It appearing that Dietrich was a non-criminal inmate, he too was questioned on the merits of his affidavit, and the testimony elicited on cross-examination was comparable in every respect and fully consistent with the testimony of the inmates who appeared on behalf of the Prosecution. (Tr. 13755-71)

(152) Kraachewski. On cross-examination of this witness it appeared that he wore the green triangle of the habitual criminal; that he was convicted of fraud and embezzlement in 1936; that he was convicted of fraud and embezzlement in 1938; that in 1939, crimes which he described as war crimes, were 9 cases of fraud, falsification of documents and embezzlement, resulting in a final prison term of 12 years at hard labor, loss of honor and ultimate interment in a concentration camp. As a result of the foregoing information, the Prosecution asked no questions concerning the merits of his affidavit. (Tr. 14212-20)

(153) Hirsch. On cross-examination it appeared that this witness, who allegedly was persecuted by the Nazis, joined the Nazi Party on 1 April 1931, joined the SA a few months later, was thrown out of the Nazi Party in 1932 but sought re-admission in 1933 and was again rejected. In 1934 he organized a Hitler Youth group. At I. G. Auschwitz, where he first arrived in the middle of 1940, he was accorded the rare privilege of retaining his hair although other inmates had their heads shaved. His explanation was that the SS Camp Commandant "being drunk" granted his request to retain his hair. In 1941, during the course of a trial, he knowingly testified falsely that he had joined the Nazi Party in 1930 and he knowingly had testified falsely that he had also joined the SS. In 1942 he hid an SS man in his apartment. As a result of the foregoing information, the Prosecution asked no questions with respect to the merits of his testimony. (Tr. 14195-209)

(154) Fuerstenberg. On cross-examination the following information was developed: That the witness, although claiming he was arrested for political reasons, i.e., pacifist activities, were the green triangle of the habitual criminal; in 1926 he was convicted of perjury and received one year of hard labor, lost his civil rights and was forbidden to be a witness (Witness was not sure whether prohibition on testifying was for five years or for life); during the same year he was convicted of giving a false affidavit. (Witness claims both prosecutions arose out of same falsehood, one false statement under oath and one perjurious testimony.) In March 1933 witness was convicted of forgery of documents, illegal collusion, and fraud. During the past year, although he testified he was a businessman, he admitted that in October 1947 he received 2,000 RM from the Defense in the Farben case so that he could live off the black market in Berlin without ration card while he visited former inmates to have "merely informational conversation" with them concerning their impressions of Auschwitz. He admitted that in November 1947 he received 3,000 RM from the Defense in the Farben case. Then asked if he received any materials in payment in addition to the 5,000 RM, he volunteered,

"I have received no materials from Ludwigshafen. However, Dr. Alt negotiated with the Sales Department in Ludwigshafen for me and I had two shipments of glue sent by two firms and those firms paid for these two shipments and I did not."

In view of the foregoing, the Prosecution asked no questions concerning the merits of his affidavit. (Tr. 14221-245)

(155) Thereafter Dr. Seidl withdrew the affidavits of the five remaining non-criminal inmate affiants (Tr. 14440):

Eliasowitz	(Duerrfeld Exh. 90)
Fraenkel	" " 111
Jachmann	" " 119
Schwarz	" " 182
Gruenfeld	" " 189

(156) Schermuly. On cross-examination it appeared that the witness wore the green triangle of the habitual criminal while working for I. G. Auschwitz, that in 1920 he was convicted of theft; that in 1922 he was convicted of theft; that in 1923 he was convicted of theft, trading in gold, silver, and platinum, and grand larceny. He received a two years and six months' term and five years' loss of civil rights. In July 1923 he was convicted of receiving stolen goods, which crime apparently grew out of the same crime as the grand larceny. In 1929 he was convicted of receiving stolen goods. He received one year in the penitentiary and again five years' loss of civil rights. In 1932 he was convicted of theft of narcotics and grand larceny, received two years and nine months in the penitentiary, and five years' loss of civil rights. From 1932 to 1946 he remained in prisons and concentration camps. After the foregoing testimony was elicited, the Prosecution asked:

Q. "Now, Mr. Witness, have you told the Court all the crimes of which you were convicted?"

A. As far as I remember, yes.

Q. Are you sure you have told all?

A. As far as I remember, yes.

Q. Mr. Witness, isn't it a fact that as recently as 27 March 1946 you were convicted of embezzlement?

A. Yes, that was embezzlement. That is right."

The Prosecution asked no questions with respect to the merits of this witness' affidavit. (Tr. 14499-507)

(157) The Prosecution submits that having used as its sample all the top I. G. ^{Auschwitz} personnel and all of the inmate affiliates for the Defense that it has provided a sufficient basis upon which the Tribunal can evaluate the non-contemporaneous evidence of the Auschwitz defense.

(g) Certain Defense Assertions.

(158) This brief would not be complete without testing the validity of some of the Defense assertions with respect to Farben's efforts to make life more livable for the concentration camp inmates. The three principal instances of "humanitarian" steps allegedly taken by Farben are:

- (1) The construction of the fence around the I. G. Farben construction site;
- (2) The construction of the concentration camp on I. G. Farben premises; and,
- (3) The introduction of a bonus system.

(159) It is submitted that each of these measures which are now paraded as examples of Farben charity were, at the time they were introduced, frankly admitted to have the single purpose of speeding up construction.

(160) In each case the Defense has offered numerous affidavits and voluminous testimony in support of its contentions but not one iota of support from any contemporaneous document. The Prosecution now calls the Tribunal's attention to the following evidence which consists solely of contemporaneous documents and admissions by Defense witnesses.

CONCENTRATION CAMP MONOWITZ

(161) All defendants have claimed that the Concentration Camp Monowitz was built in order to raise the living standard of the concentration camp inmates who formerly lived in the Auschwitz concentration camp. Contemporaneous documents show unequivocally the precise motive for building the Concentration Camp Monowitz within I. G. territory. In the summer of 1942, because of a typhus epidemic, Concentration Camp Auschwitz did not assign any of its inmates to I. G. Auschwitz. In the I. G. Auschwitz Weekly

Report of August 1942, a discussion with the Commandant of the concentration camp is reported in which the following is noted:

"It is not to be expected that the inmates will be available for work again for about three weeks, since a few days ago another case of illness has appeared. On the other hand, the Commandant is willing to assign new arrivals directly to our camp as soon as it is ready for the reception of inmates." (P.E. 2206)

(162) In September 1942, in a monthly construction conference attended by Rustefisch, Ambros, and Durrfeld, the reason for constructing the concentration camp Monowitz was set forth quite clearly. Referring to the "chief worry" of the construction management, the allocation of quotas and the "provision of labor", the report states:

"For reasons of hygiene, it was at the moment impossible to employ prisoners and Jews through the concentration camp. In order to be able to employ newly arriving, non-infected Jews and prisoners, it was intended to build a camp on the building site in which quarters would be provided for them." (P.E. 1428)

(163) The defendant Kersch has admitted that Ambros and Rustefisch

"proposed to the executive board of the I. G. to erect the concentration camp Monowitz within the I. G. territory Auschwitz for reasons of expediency." (P.E. 1420)

(164) It will be recalled that, from the very beginning, Ambros had informed the I.G. that one couldn't count on a normal work efficiency of concentration camp inmates and particularly since "additional strength was lost by the long march to work and the transportation back into the concentration camp". Also, it should be noted that:

"as reason for the construction of a concentration camp on I. G. territory at Auschwitz, Walther Duerffeld claimed that the transportation of the concentration camp inmates took too much time." (P. E. 1416)

THE BONUS SYSTEM

(165) The much-discussed bonus system was claimed to have been introduced by Farben as a means of increasing the food allotment of the inmates. That this was another technique for the sole purpose of speeding construction is completely clear.

(166) Faust, the first construction engineer of I. G. Auschwitz, admitted on cross-examination that the bonus system in I. G. Auschwitz was introduced

"for the specific purpose of increasing the output of the inmates." (Tr. 13985)

(167) It should be noted that the SS generally authorized all firms to introduce a bonus system "to increase the output and willingness to work of the inmates". The I. G. Farben management at Puerstengrube placed the narrowest construction possible upon the SS authorization. The management agrees to carry out the suggestion but notes that

"care must be taken that only those inmates will receive the bonus who really deserve it."

The regulation issued by Farben states that only

"really industrious inmates will be considered, and in the beginning, only about 5% of the employed inmates."

There was nothing in the SS authorization which limited the benefits to 5% of the inmates. It is obvious from the "contemporaneous" document that Farben's opportunity to help the inmates was not used to help the inmates but, by keeping the group of beneficiaries extremely limited, to hold high the incentive for increased output.

(166) The Farben technique for using food as a lever to raise the output of weak and starving inmates is further illustrated in the system of three feeding groups. Farben divided its workers into three feeding groups for the express purpose of increasing output and punishing so-called "shirkers". In a contemporaneous document in Auschwitz Weekly Report, it is stated:

"In order to increase their performance, the food supply for the Eastern workers was put on another basis, i.e. a division into three groups was carried out. Group two corresponds to the average food ration, group one: group two plus 25%, group three: group two minus 25%. Thus we have the possibility to feed shirkers with the rations of group three and persons who are especially willing to work within group one". (P.E. 2208)

THE FARBEN FENCE

(169) It will be recalled that the defendants, particularly Am-
tros, placed great stress on the building of the Farben fence around the construction site as a means of keeping the SS out and giving more freedom to the inmates. (Duerr. Exh. 2, Affidavit, Holm-
Schneider). If this thought ever occurred to the Farben construc-
tion management of I. G. Auschwitz, it never appeared in any of the construction reports or Auschwitz weekly reports.

(170) The motive as set forth in the contemporaneous documents is somewhat more pragmatic and less humanitarian.

"The inmates can only march out in day-
light and must return to the camp in day-
light. If it is foggy in the morning the
inmates are also not permitted to leave
the camp. Therefore it is not possible
to employ the inmates on shift work; they
can only be considered for the day shift.
The condition will naturally improve once
the construction site has been fenced in."
(P.E. 1985)

"A thorough discussion took place on the
problem of employing convicts, especially
on the furnishing of guards. Brigade-
fuehrer Gluecks could not promise us

additional guards ... In any case, we promise ourselves a better distribution, or allotment, of the convicts after the plant fence, on which work will start next week, has been constructed." (P.E. 2127)

"It was still not possible to assign additional inmates this week as the necessary guards are still lacking." (P.E. 2207)

"Obersturmbannführer Maurer promised that the number of inmates would shortly be increased to 4,000, possibly 4,500. These great numbers can only be employed behind the fence of the factory or if the area is fenced in, in view of the very small number of guards. It was therefore decided to fence in the anti-synthesis section." (P.E. 2207)

(171) Finally, it might be noted that, in order to reduce the number of SS guards, it was the SS which suggested the building of a fence. (P.E. 2126)

(172) In conclusion, one additional Farben assertion should be mentioned and that is that Farben prohibited the beating of its inmates and foreign workers. It will be recalled that affidavit after affidavit was submitted by the Defense calling attention to the fact that the construction management, particularly Duerrfeld, had prohibited by regulation, directives, orders, circulars, etc. any beatings of inmates and foreign workers. The Tribunal's attention is called to the fact that although the Defense has claimed that time and time again the construction management prohibited the beating of inmates, there is not one monthly construction conference and not one Auschwitz Weekly Report which supports the contention of the Defense. Moreover, although allegedly the various sub-construction firms were all circularised and informed that they were not to beat inmates and foreign workers, even though there were some 200 odd construction firms working for

Farben -- not one poster, not one regulation, not one decree, in other words, not one contemporaneous document was submitted to this court showing that the Farben construction management had in fact prohibited the beating of inmates or foreign workers.

(173) Of course there are contemporaneous documents concerning the beating of inmates and foreign workers. For example, it is clear that the SS prohibited beatings of inmates. (Duerr. Exh. 375; P.E. 1366; P.E. 1553; P.E. 1555) Also, it is clear from contemporaneous evidence that the Labor Office (Sauckel) prohibited the beating of foreign workers. (P.E. 1387) There are even contemporaneous documents showing that the Farben construction management at Auschwitz felt frustrated and complained about the fact that it did not have disciplinary powers and was prevented by the SS and Sauckel's office from "hitting out" in appropriate cases. (P.E. 1387) However, with respect to Farben's prohibition of such beatings, the record in this case as far as contemporaneous documents are concerned, is a complete blank.

C. SUPPLYING POISON GAS FOR MASS EXTERMINATIONS.

(174) In Part III of the Preliminary Memorandum Brief, we analyzed significant portions of the evidence relating to the charges in Count III-B of the Indictment, that Farben manufactured poison gas and supplied such gas to officials of the SS, which poison gas was used in the exterminations of enslaved persons in concentration camps throughout Europe. We discussed particularly the extent to which the evidence established that these defendants participated in such crimes within the meaning of Control Council Law No. 10. It was concluded that the evidence established the following facts beyond a reasonable doubt:

(a) Several millions of human beings were exterminated in concentration camps by means of gassing with Cyclon B gas.

(b) The defendants participated in these crimes, through Farben and through Degesch, by virtue of their activities in connection with manufacturing and supplying the Cyclon B gas.

(c) The defendants knew that human beings in concentration camps were being exterminated by gassings.

(d) The defendants either knew that the Cyclon B gas which they were manufacturing and supplying was being used to carry out this program of mass extermination, or they "deliberately closed their eyes to what was being done".

(175) The evidence, which was introduced during the Prosecution's Case in Chief to support these findings of fact, is summarized in Part III of the Preliminary Memorandum Brief. During the defense case, additional evidence has been introduced which confirms and gives additional support to these factual conclusions. Before proceeding to analyze some of this evidence, we will discuss more fully some of the reasons why these findings of fact would require a judgment that the defendants participated in War Crimes and Crimes Against Humanity within the meaning of Control Council Law No. 10.

(176) It will be helpful to compare the facts in this case with the facts presented to the United States Supreme Court in 1943, in the case of Direct Sales Co. vs. United States, 319 U.S. 703. In the case of Direct Sales Co. vs. United States, the defendants were convicted of a conspiracy

to violate the Harrison Narcotic Act. (See Part V of the Preliminary Memorandum Brief). Under the United States conspiracy statute (Section 542 of the Revised Statutes) it is a crime "if two or more persons conspire *** to commit any offense against the United States." The Harrison Narcotic Act states, among other things, that "It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said drugs, or in the legitimate practice of his profession." In the words of the United States Supreme Court:

"The salient facts are that Direct Sales Company sold morphine sulphate to Doctor Tate in such quantities, so frequently, and over so long a period, it must have been known that he could not dispense the amounts received in lawful practice, and was therefore distributing the drug illegally. Not only so, but it actively stimulated Tate's purchases."

In discussing the difference between the factual situation in the Direct Sales Company case and a previous case (United States vs. Falgout) the Supreme Court drew a distinction between supplying commodities "of free commerce" such as sugar, corn, etc., and supplying commodities "incapable of further legal use except by compliance with rigid regulations". As the Supreme Court stated, "The difference is like that between toy pistols and hunting rifles and machine guns. All articles of commerce may be put to illegal ends, but all do not have inherent the same susceptibility to harmful and illegal use." And the Supreme Court concluded:

"When the evidence discloses such a system, working in prolonged cooperation with a physician's unlawful purpose to supply him with his stock-in-trade for his illicit enterprise, there is no legal obstacle to finding that the supplier not only knows and acquiesces, but joins both mind and hand with him to make its accomplishment possible. The step from knowledge to intent and agreement may be taken."

(17) Although this United States Supreme Court case is not binding here, the reasoning and theory of the Court is most persuasive. It is submitted that if the above mentioned findings of fact are supported beyond a reasonable doubt by the evidence with respect to any particular defendants, the theory of the Supreme Court would require a judgment of guilty with respect to such defendants. Furthermore, it is to be noted that not only is the theory of the Supreme Court applicable here, but the facts involved

are very closely analogous. In the Supreme Court case, the defendant, a mail order medical supply company, was shown to have sold morphine sulphate, a narcotic drug, to a small town doctor by mail in amounts ranging from small purchases to an average of 5,000 to 6,000 half-grain tablets per month in the latter part of 1939, or enough for 400 average doses per day. All this was done by mail order, and there was no personal contact between the company and the doctor.

(178) It is submitted that the facts as set forth in the Preliminary Memorandum Brief conclusively establish that the firm Degesch, controlled by Farben, did as much and knew as much in connection with the program of mass exterminations as the firm Direct Sales Company did and knew in connection with the violations by the small town doctor of the provisions of the Harrison Narcotics Act. Both Direct Sales Company and Degesch supplied the principal actor "with his stock-in-trade for his illicit enterprise." In the Supreme Court case, the principal actor was the town doctor and the basic crime was the illegal distributions of narcotic drugs. In this case, the principal actor was the SS and the basic crime is murder. In both cases the evidence shows "prolonged cooperation with" and knowledge of the principal actor's "unlawful purpose."

(179) The only issue can be the extent to which these defendants are responsible for the activities of Degesch and were informed of or "deliberately closed their eyes to" such activities and the circumstances surrounding them. It is submitted that the evidence established both the act of participation and the required state of mind on the part of all defendants in this case who were members of the Vorstand of Farben, and particularly on the part of the defendants Mann, Howlstein, and Warster, who were on the Administrative Committee or the Supervisory Board of Degesch.

(180) The evidence showing such act and state of mind, as introduced during the prosecution's Case in Chief, is summarized in the Preliminary Memorandum Brief. We will now proceed to give the highlights in the evidence introduced during the defense case in chief which give additional support to these conclusions.

EXTERMINATION WITH CYCLON B GAS

(181) The fact that millions of human beings were actually exterminated with Cyclon B gas provided by Dagesch, is not open to question. (Preliminary Memorandum Brief; PE 1762, PE 1811, Tr. 5800, 2599-2600, 14345).

PARTICIPATION BY DEFENDANTS

(182) The evidence establishing that the defendants were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups, which were connected with the commission of these crimes, is summarized in the Preliminary Memorandum Brief. Since that Brief was submitted, it has been shown that Dagesch actively participated and assisted in the SS plan to procure a special type of Cyclon B gas for extermination of human beings. The SS wanted to retain the deadly effect of Cyclon B gas without the warning odor, and it was the Manager of Dagesch, Peters, who advised that the warning agent could be removed without affecting the deadliness of the gas. (PE 2087, Tr. 10533). To provide this special Cyclon B gas, a "temporary change-over in the production of Cyclon in Dagesch factories from normal irritant Cyclon to non-irritant Cyclon" had to be arranged. (PE 2087). The fact that Cyclon B gas was actually provided to the SS without an irritant and was delivered to the concentration camps at Cransburg and Auschwitz is now proven beyond any reasonable doubt. (PE 1789, PE 1791, PE 1802, PE 1803, PE 1804, PE 1805, PE 1806, PE 1807).

KNOWLEDGE OF GASSING BY DEFENDANTS

(183) The overwhelming nature of the evidence showing that the defendants knew that human beings were being exterminated in Auschwitz and other concentration camps and that they were being exterminated by gassing has already been indicated in the Preliminary Memorandum Brief.

The credibility and weight of this evidence was confirmed again and again during the defense Gassen-in-Chief. The special knowledge that these defendants possessed because of Farben's role in IG Auschwitz was well described by two SS officials who testified, one for the defense and one for the prosecution.

(184) Dr. Muench, witness for the defense, on direct examination testified that when the capacity of the ovens at Birkenau were not sufficient to hold all those who had been gassed, corpses were burned on large piles and

"although you couldn't see the flames one had to smell the odor because the burning of such a tremendous number of corpses caused a terrible odor which was perceptible everywhere." (Tr. 14327)

On cross examination the witness stated:

"Auschwitz and the vicinity as far as Katowitz* was full of rumors about the extermination of Jews by gassings and burnings. ..." (Tr. 14334)

"... in Katowitz* one was able to smell the stench of the crematorium just as well as in Auschwitz." (Tr. 14335)

In answer to the question as to whether the civilians who lived in Auschwitz had knowledge of the gassings of inmates, Dr. Muench replied:

"Well, I can only repeat what I said before, the knowledge of the exterminations in Auschwitz would have to be considered general by my experience, but by way of rumor because any actual confirmation, particularly about the manner in which these exterminations were being conducted nobody, in my opinion, could procure ..." (Tr. 14435)

However, when Dr. Muench was asked specifically whether the 7000 inmates on the IG Farben construction site in Auschwitz knew about the gassings that took place at Birkenau, Dr. Muench answered:

"All of the inmates who were in Auschwitz knew about it. They were informed to the fullest extent." (Tr. 14339)

* Katowitz is more than 30 kilometers away from Auschwitz

The witness March answered other questions of the prosecution in the following way:

Q. Now, witness, isn't it a fact that tens of thousands of persons from all over Europe came to Birkenau through this railroad right next to your office, were brought into Birkenau right through the city of Auschwitz. Isn't that a fact?

A. Yes, that's a fact.

Q. So that over a period of two years over four and a half millions came through this little railroad next to your office into Birkenau, right through Auschwitz, isn't that true?

A. The figure isn't important as far as a few millions are concerned, but there were millions anyway that came in.

Q. Now, Mr. Witness, weren't there civilian workers on these railroads?

A. Yes.

Q. And weren't there Polish civilian workers on the ramp of the station at Auschwitz?

A. Yes.

(185) Perry Broad, prosecution witness, testified on redirect examination by the prosecution:

Q. "Could you state briefly to what extent, as far as you know, was the knowledge of gassing operations prevalent or commonplace within the area of Auschwitz concentration camp, Birkenau, the city of Auschwitz, Buna, and so on, in that area?

A. Within the camp, the knowledge about the mass murders with poison gas was generally known. Everyone of the 100,000 prisoners who were in the camp during 1943 and 1944 knew that these measures were executed, and everyone of the three to five thousand SS men knew that these gassing operations were carried out.

Furthermore, it is doubtlessly true that the 2000 civilian workers were exactly informed - not only about the fact that mass murders with poison gas were carried out, but also about details. That is to say, figures and the origin of the transports of people. It is a matter of course that this large number of persons spread their knowledge to circles outside, and I know from my own experience that all of the Polish population in the vicinity of Auschwitz and also the people in Auschwitz themselves were most minutely informed about these measures.

The German population were informed about this by way of rumors; the police stations in the vicinity and all the policemen, the many policemen who came to Auschwitz in the course of time as escort troops for the transports could also convince themselves of the accuracy of these facts. The same applies to the personnel of the Reichsbahn (Reich railroad Company) and for the numerous members of army units who were stationed partly in the camp itself and partly in the immediate vicinity of the camp for the various purposes.

In Katowice and in other cities of Poland I had the impression that the majority of the population was informed about the massings of human beings in Auschwitz. In Berlin as well at the occasion of a short trip I convinced myself, and that was at the end of 1943, that the number of persons who know about these mass murders by way of rumor had increased and had become very large.

The secrecy regulations which provided for the death penalties were only regulations on paper. I know of no instance when a death penalty was actually passed because of a break in secrecy regulations. Because of the large number of people who worked in the camp, it was quite impossible to keep this mass murder of millions of human beings secret." (Tr. 5806-5807)

On re-cross by the defense Fery Broad gave the following testimony:

- Q. "Witness, you described a short while ago what penalties were meted out to a person who was caught divulging these secret matters. Now, you gave us your opinion about the fact to what extent the rumors were common knowledge. Would it be correct if I say that if the rumors were expressed they were only expressed in whispers and only by selecting very carefully the persons to whom these rumors would be imparted? That is to say, everybody who knew something about it would think twice about the people he would inform?
- A. Not at all. The foreign workers who were in Auschwitz and who saw these things, would tell other foreigners about it without any restraint and even German civilians talked about this quite frankly and as a matter of course. It is quite evident that these conversations would not be carried out in the presence of some SS officer or party functionary, but among civilians, even in the railroad these conversations took place quite frankly and openly" (Tr. 5808)

.....

- Q. "First of all you said that in the presence of SS officers and functionaries of the Party people would generally not speak about these things.
- A. Yes, I did.

.....

- Q. "... I ask you whether anyone would approach the entourage of these functionaries.
- A. Nobody was needed to do that because the Party functionaries in Auschwitz lived in the suffocating stench of burning human flesh for three years and that was sufficient to show them quite clearly that mass murder was being carried out in Auschwitz.
- Q. Do you know that the SS gave the reason for these burnings that they could not keep secret by saying that they were caused by the epidemics prevalent in Auschwitz constantly and that some people died that they could not take care of; so they burned the corpses within the concentration camp?
- A. The attempt was made to give this improbable reason, but I know just as well that very few people believed this quite improbable reason." (Tr. 5609-5610)

(186) Director Strass, permanent secretary of the T3A meeting, received his knowledge concerning the burning of men and women in Auschwitz on a train ride on his return from his first visit to Auschwitz. Asked by the prosecution in an interrogation about what he heard at that time (February 1942) about atrocities in Auschwitz he answered: (PT 1676, see transcript 13566, 13615).

- A. "In my compartment there was a man, a working man, and he told me with loud voice to the other men and wives in the compartment that in Auschwitz concentration camp people were burned in a crematorium (he said not the word crematorium) and in large numbers. If they had not enough place to burn the bodies, they made large pyres and burned them in the pyres, and then the whole air in the work Auschwitz was filled with smell of death. I was very deeply impressed and I sprang up and said he should not say such lies.
- Q. Let me interrupt for a minute and see if I understand. On this train in your compartment some workmen stated that people were being burned at Auschwitz and that they were burned in the open on pyres.
- A. Yes, when there was not enough space in the ovens they were additionally burned in pyres.
- Q. And that the smell of burning flesh was known at the Buna plant. You understood him to say that? All right, go ahead, What did you do when you heard that?
- A. I sprang up and said: "They are lies" and he said "No, they are not lies, there are 10,000 men or more at Auschwitz and all of them know it."

Q. The workmen told you that there were 10 000 people working at Auschwitz and they all knew about these conditions?

A. So he said.

Q. He said that to everybody and you heard it, and he said that in reply to your protest?

A. Yes.

The discussion in the train was conducted openly so that all present could listen to it:

Q. You say that in the beginning of 1942 when you heard the stories of Auschwitz concentration camp, about the burnings and cruelties going on there, did other people in Germany also hear about that? You learned that from an open discussion on the train-ride?

A. Yes, he said it to all present. There were 10 or 15 in the compartment, and they all heard it.

Struss then was asked whether people returning from Auschwitz knew about these happenings:

Q. Did any people deny that such conditions existed?

A. No.

Q. They did not deny it?

A. No, they did not deny it and they did not agree.

Q. They asked a direct question?

A. Yes.

Q. Were you convinced after you got those answers?

A. No, I was not convinced.

The atrocities committed in Auschwitz were confirmed to Struss by the IG Farben Chief Engineer HEIDEBROCK:

Q. In the summer of 1943 you visited Auschwitz again. Did it occur to you that you should investigate it then?

A. No, I asked in Auschwitz a responsible man, the chief engineer Heidebrock.

Q. What did you ask him?

A. He said it was true. I can give you from Frankfurt the exact date.

.....

Q. You reported to the chief engineer what the workmen said on the train, and the chief engineer said what the workmen had said was true?

A. Yes.

Struss then testified that in 1943 he knew that people were being gassed before being cremated and that he told this to Ambros and Ter Meer:

Q. The chief engineer of the Buna plant with whom you spoke in 1943, did he specifically tell you that people were being burned at Auschwitz?

A. Yes, I think he also told me that before the burning, they were gassed. I didn't know it until Heidebreck told me.

Q. And in the summer of 1943 you knew that people were being burned and gassed?

A. Yes.

Q. And in your best recollection you told that to Ambros and Ter Meer?

A. Yes.

How certain the knowledge of Struss was is evidenced by this testimony:

A. Is this your statement, Dr. Struss: after I spoke to Heidebreck I was convinced that the situation at the Auschwitz concentration camp was as bad as they had told me, but I was hoping that it was not true. Is that a fair statement?

A. Yes, that is a fair statement. I had only a glimmer that it was not true.

A week after this interrogation, Struss executed an affidavit in German in which, on reflection, he incorporated the substance of his replies made during the interrogation. (PE 2343; Tr.13613-13614)

(137) In discussing the knowledge on the part of these defendants of the extermination program, we stated in the Preliminary Memorandum Brief, that any suggestion that the responsible officials of Farben, with its world wide outposts engaging in propaganda, intelligence, and espionage activities, did not know that a program for exterminating millions of people, which was being denounced by the whole outside world, was being carried out on its own backyard, is hardly worthy of consideration. The defendant Mann testified that Farben had more than 1000 agents in

75 countries of the world. (Tr. 10393, 10594). The defendant Mann visited European countries in 1942, 1943 and 1944, including Switzerland and the Balkan countries. Other defendants who travelled abroad during the war include Ter Meer, Von Schmitzler, Ilgner, Haefliger, Schmitz, and Von Knieriem. The defense witness March testified before the Tribunal that when he was assigned to Auschwitz in September 1943, he "had already heard about extermination camps, and particularly extermination camps for Jews, through reports over the Swiss Radio." (Tr. 14322-14324).

(188) The International Military Tribunal stated in part, as follows, with respect to the publications of Streicher (I.M.T. Judgment, p.303):

"In November 1943 Streicher quoted verbatim an article from the Israelitische Wochenblatt (Swiss) which stated that the Jews had virtually disappeared from Europe, and commented 'This is not a Jewish lie'. In December 1942, referring to an article in the London Times about the atrocities, aiming at extermination, Streicher said that Hitler had given warning that the second World War would lead to the destruction of Jewry. In January 1943 he wrote and published an article which said that Hitler's prophecy was being fulfilled, that world Jewry was being extirpated, and that it was wonderful to know that Hitler was freeing the world of its Jewish tormentors."

With respect to Streicher's paper "Der Stürmer", which the I.M.T. said reached a circulation of 800,000 in 1935, the defendant Knieriem in testifying on cross-examination that he did not know that "Der Stürmer" was not an official Nazi paper stated (Tr. 6347):

"No, Mr. Prosecutor, I did not know that, but I did know this magazine had a circulation of a half-million in Germany, and that it was publicly exhibited in many cases in the public by Reich leaders and Ortsgruppenleiter. Whether this was an official publication or not, it was a Party activity to the public."

KNOWLEDGE THAT CYCLON B GAS WAS USED FOR EXTERMINATIONS

(189) In the Preliminary Memorandum Brief, we discussed certain evidence establishing that the defendants knew that it was the gas they were supplying, namely Cyclon B gas, which was being used to carry out the mass extermination program known to them. In addition to the evidence cited

there with respect to the relation between the defendants, particularly the defendants Mann, Wurster and Eberlein, to the management of Degesch and the access of such defendants to information concerning the activities of Degesch, the following supplemental facts have been established during the defense case in chief.

(a) Besides receiving business reports of the management, the defendant Mann participated also in what is described as pre-balance sheet meetings. The defendant Mann admits that meetings of this kind took place. "After all, we were partners, and wanted to know what happened with our investments." (Tr. 10616) a sample of what took place at these meetings is indicated in the minutes of the pre-balance sheet meeting of 10 June 1941, held at Leverkusen, wherein it is stated "Director Schlosser submitted two business reports of the management concerning the past year." (PE 2100).

(b) Besides meetings which concerned the more commercial side of the Degesch business conferences of technicians of the interested firms (Degussa, Degesch, Töts, IG Farben, Goldschmidt, and the factories Dessau and Koln) took place. The defendant Mann was informed in a letter by the Farben representative Karl von Heider (PE 2101) about one of the conferences which took place in Hamburg and at which Farben had five representatives. This letter shows how carefully the defendant Mann watched all developments and was particularly interested in getting all the information which the DEGUSSA received. He is assured

"that no commercial affairs whatsoever have been discussed"

and that

"Herr Schlosser only participated this time because Dr. Gessner had fallen ill."

(c) DEGESCH matters were also discussed during the "Bayer" director meeting which took place under the chairmanship of the defendant Mann. The agenda of a meeting in Leverkusen on 24 July 1942 (PE 2102) shows that DEGESCH business was discussed. It is stated that the shareholders decision for this year will be procured in writing, but that the meeting

at the "Chemiewerke"

"will offer an opportunity for a meeting and discussion with the Degesch people which we shall suggest."

Also from the document PE 2103, a letter from Schlosser to the defendant Mann, we see that internal DEGESCH conferences took place besides the official meetings. Schlosser writes to Mann:

"I would suggest that this year we again refrain from holding an official meeting. This would, of course, not hinder us from getting together again in an internal DEGESCH conference."

(d) The same fact is expressed in a letter from Mann to Schlosser (PE 2104):

"It would therefore not be a general meeting of the stockholders, but merely a gathering of the members of both our firms with those of the DEGESCH, since it is likely that both sides feel the need for exchange of ideas on current questions."

(e) Oftentimes, instead of an administrative committee meeting, a partnership meeting of the DEGESCH firm was called. (PE 2105). It is to be noted here that the Defense stressed that the last meeting of the "Verwaltungsrat" took place in 1940 covering the business of 1939. (Tr. 10472) For this reason it is necessary to point out specifically that there were a large number of substitutes for this formal meeting of the Verwaltungsrat, during which the persons interested in DEGESCH discussed extensively matters pertaining to DEGESCH.

(f) The defendant Mann took interest even in month to month changes in the turnover figures (PE 2106):

"From the turnover figures submitted to me I have noted with pleasure that the decline in turnover, which appeared in the first months of this year, has not only been made up again by the increased turnover of the last months, but a general increase has been achieved."

On direct examination Mann stated that he did not see or read the DEGESCH monthly turnover reports (Tr. 10472). On cross-examination he was confronted with PE 2107 and admitted that he had initialed this particular monthly report. (Tr. 10624)

(g) Statistical compilations made up by the special department F in Leverkusen which showed the development of income and expenses for different DEGESCH products were available to the defendant Mann at all times (PE 2109).

(h) The defendant Mann sometimes even kept informed about individual fumigation operations of the firm (PE 2106).

(i) The Defense did not introduce any contemporaneous document which could prove that there really was "an agreement that the Degussa would be in charge of the direct consulting and control of the business management of the DEGESCH, also for the shares held by the IG Farben." (Tr. 10535).

No contemporaneous document was introduced supporting the statement made by the defendant Mann on direct examination:

"There was an express agreement to the effect that DEGESCH's business manager, which up to now was always managed by the Schickelshorst, was to continue to remain with Schickelshorst and, therefore, my activity as a business manager never came into effect." (Tr. 10468)

(190) The General Manager of Degesch, Dr. Peters, admittedly knew that Cyclon B-gas, produced by Degesch, was being used by the SS to put human beings to death. He was specifically informed that the victims were not necessarily convicted criminals, or even incurable sick people, but included also "inferior human beings". (PE 2087, Tr. 10544). When questioned by his counsel as to what he meant by "inferior human beings" Dr. Peters stated "that is a careless phrasing on my part which I had overlooked". (Tr. 10635). In this connection, it is interesting to note the phrasing of a letter written in July 1942 by a Farben employee at IG Auschwitz to a Farben director at IG Frankfurt, where he states in part: "The only thing that keeps these filthy people from becoming rebellious is the fact that armed power (concentration camp) is in the background. That the Jewish race is playing a special part here you can well imagine. The diet and treatment of this sort of people is in accord with our aim. Evidently, an increase in weight is hardly ever recorded for them."

That bullets start whizzing at the slightest attempt of "change of air" is also certain, as well as the fact that many have already disappeared as a result of "sunstroke" (PE 149).

(191) As noted, supra, Degesch specially produced for the SS Cyclon B gas without the warning agent for use in the extermination of human beings. (PE 2087). The following facts are also significant as bearing upon the knowledge of these defendants, particularly the defendants Mann, Hoerlein and Wurster.

(a) The sale of Cyclon B gas rose to a new high at a time when the sale of all other gasses sold by Degesch dropped, and at a time when the extermination program was accelerated. (PE 2109, Tr. 10602, 10636, 10673).

(b) 90 % of all Cyclon B sales to concentration camps was sold to the Auschwitz concentration camp (Tr. 10648).

(c) This gas which was known to be deadly (PE 1795; PE 1798; Tr. 12975) and concerning which there were the strictest Government regulations, (PE 1791; PE 1792, PE 1793, PE 1796, PE 1799) was provided openly and in large quantities without the irritant required by law. The shipping of Cyclon B gas without the warning agent violated strict transportation regulations of the public carriers (Tr. 10498).

(d) As early as November 1941, it was known that the concentration camp Auschwitz had ordered Cyclon B gas on a large scale. (PE 2084). and in December 1941, Degesch was informed that "the construction of the delousing installation has not yet been started" and that "the purpose for which the concentration camp Auschwitz is using 500 kilo of Cyclon in 200 g time is unknown to me." (PE 2085).

(192) As we have pointed out in Section B of this Part IV, IG Auschwitz cooperated closely with the main camp at Auschwitz. From the beginning, IG Auschwitz helped the main camp to enlarge its facilities by using Forben's ability to get materials such as iron (and also using Kreuch's position in the Government). Thus, we see that Forben supplied the main

camp with iron and other materials to enlarge its facilities; supplied the poison gas used to exterminate the inmates; and supplied the methanol used to burn the bodies. In return, Farben was continuously supplied with "fresh inmates"; unfit inmates were taken off their hands (and gassed); and as we have seen Farben even took its share of the clothes once worn by such inmates. In the light of this close cooperation between Farben and the SS, referred to by the defendant Ambrose as "our new friendship with the SS", it is inconceivable that the responsible officials of Farben did not know that the Cyclon B gas being shipped openly and plainly marked by their firm Degesch over railroads passing by IG Auschwitz (and carrying materials for IG Auschwitz) was being used to exterminate the very inmates which they were discarding as unfit for work.

PART IV (Continued)

D. PARTICIPATION IN CRIMINAL MEDICAL EXPERIMENTS

(193) The evidence establishing that defendants Hoerlein, Lautenschlaeger and Mann were principals in, accessories to, ordered, abetted, took a consenting part in, or were connected with plans or enterprises involving medical experiments upon human beings without the subject's consent, is summarized in the Preliminary Memorandum Brief. The Preliminary Memorandum Brief outlined the evidence introduced in the Prosecution's Case-in-Chief with respect to three major series of criminal experiments:

(a) those conducted in the Buchenwald concentration camp to determine the efficacy of Farben typhus vaccines;

(b) those conducted in the Buchenwald concentration camp to determine the efficacy of Farben chem-therapeutics, Acridin "3562", Rutanol and Methylene Blue, in the treatment of typhus;

(c) those conducted in the Auschwitz concentration camp to determine the efficacy of the Farben chem-therapeuticum Acridin "3562" in the treatment of typhus.

(194) The evidence has established beyond any question of a doubt that with respect to all three series, enslaved persons -- concentration camp inmates -- were subjected, without their consent, to criminal medical experimentation resulting in bodily harm and death. The evidence also established beyond any reasonable doubt that these experiments were conducted for the purpose of testing the efficacy of Farben products. From the additional evidence summarized in Part VI of this Brief under Hoerlein and Mann, it is clear that not only were the experiments conducted for the purpose of testing the efficacy of Farben products but that the defendants themselves took the initiative in suggesting that their products be tested.

(195) Part VI of this Brief (Hoerlein and Mann) summarizes some of the additional evidence introduced since the submission of the Preliminary Memorandum Brief with respect to the defendants' knowledge of and participation in the commission of criminal medical experiments. However, the additional evidence introduced in connection with the Lautenschlaeger defense has not been summarized in Part VI under Lautenschlaeger for the reason that with respect to all three series of criminal medical experiments it is either Lautenschlaeger's Behringwerke plant or his Hoechst plant which directly participated in assisting the carrying out of experiments on products being developed by these plants. The only exception is that portion of the second series of experiments which deals with Methylene Blue. (As to this series it is Hoerlein who took the initiative in having the experiments made, Hoerlein who made available to the SS the necessary "expose" instructions as to the use of the test material, and Hoerlein who caused the test quantities of Methylene Blue to be turned over to SS Dr. Hragowsky for the purpose of making the tests. See Hoerlein, Part VI.) On the other hand, Lautenschlaeger admittedly had full authority, jurisdiction and responsibility with respect to the clinical testing of Behringwerke and Hoechst products. Any summary of the evidence under Part VI, Lautenschlaeger, would have entailed a substantial repetition of the general discussion of the evidence contained herein. Moreover, the analysis of the Lautenschlaeger evidence is appropriately placed in this part since the conclusions which flow from the evidence apply to Hoerlein and Mann as well as Lautenschlaeger.

(a) Experiments conducted in the Buchenwald concentration camp to determine the efficacy of Farbenfabrik vaccines.

(196) It will be recalled that in its Preliminary Memorandum Brief and in the course of its cross-examinations, the Prosecution laid stress upon the meeting of 29 December 1941 wherein the decision was made to

make tests to determine the comparative efficacy of the Behringwerke vaccine, the Cox (Robert Koch) vaccine, and the Weigl vaccine. The Prosecution submits that the evidence shows beyond a reasonable doubt that the decision of the 29 December 1941 meeting to make these comparative tests was in fact a decision to conduct experiments in a concentration camp involving the artificial infection of the experimental subjects. The Prosecution submits further that it is clear beyond any reasonable doubt that the participants of the meeting were fully aware of what was contemplated; and that the defendants Lautenschlaeger, Mann and Hoerlein, who not only received copies of the minutes of the meeting, but promptly acted, each in his own sphere, to assist in carrying out the decisions of the meeting, were also fully aware of the nature of the experiments contemplated.

The following facts and circumstances concerning the 29 December 1941 meeting are submitted for the consideration of the Tribunal:

(197) At the outset the Prosecution concedes that at the end of 1941 there was thought to be a danger of typhus spreading to Germany and that the German authorities were interested in finding an effective means for combating a possible typhus epidemic. It should be noted, however, that Germany did possess an effective typhus vaccine known as the Weigl vaccine which was recognized by all German scientists, including the Farben defendants. Unfortunately the Weigl vaccine, by its very nature, was incapable of mass production (Tr. 10844) so that the basic problem was to find a vaccine which could be mass produced.

(198) In this connection it should be noted that the Cox (Robert Koch) typhus vaccine, although not quite as effective against typhus as the Weigl vaccine, was capable of mass production. (Tr. 10845) Finally, it should be noted that Farben's Behringwerke vaccine, which

was merely a diluted variation of the Cox vaccine, although also capable of mass production, was not recognized by the authorities as an effective vaccine against typhus. (Tr. 6440-1)

(199) It will be recalled that Farben sent three representatives to the 29 December 1941 meeting for the purpose of seeing to it that when mass production of typhus vaccines are undertaken, the Farben Behringwerke vaccine should not be ignored. (See Part VI, Mann, infra.) It will be recalled also that at the meeting it was only after a special point of it was made by a Farben representative that it was finally agreed to include the Farben Behringwerke vaccine in comparative tests to be made to determine the relative efficacy of the different vaccines. On cross-examination Dr. Demnitz, Lautenschlaeger's top man at Behringwerke, was asked why it was necessary to push the Behringwerke vaccine when the original Cox vaccine was capable of mass production. In answer he pointed out that the Robert Koch Institute which produced the Cox vaccine did not have the manufacturing facilities that Behringwerke had. But Dr. Demnitz evaded answering the further question as to why Behringwerke facilities could not be used to manufacture the Cox vaccine. Demnitz was asked:

Q. "As a matter of fact, Dr. Demnitz, the Behringwerke could have also produced along the method of the Robert Koch Institute, couldn't they? They could have used the excellent facilities of production to follow the other method, isn't that perfectly true?"

A. "You had better put this question to Prof. Bieling since he had this view. It was his view that the Cox vaccine, that is, the original method was excellent and that we should stick to it." (Tr. 10845)

Dr. Demnitz later explained that even though the Robert Koch (Cox) method could be mass produced, nevertheless the tremendous need for typhus vaccine could not be met unless the still quicker method of the Behringwerke were employed. However, when Demnitz was specifically

cally asked whether at the meeting he ever raised the question that sufficient vaccines could not be produced unless the Behringwerke method was used, he admitted: "No, there was no mention of that." (Tr. 10846)

(200) Obviously the real reason that Farber representatives were not prepared voluntarily to produce the Cox method vaccine was that they continued to hope that the Farber Behringwerke method might be accepted. This was let slip when Dr. Demnitz admitted:

"Well, on that meeting Prof. Kudicke reported on our vaccine. This report made a good impression." (Tr. 10847)

(201) As a result of Prof. Kudicke's favorable report and Dr. Demnitz' suggestion, it was decided to test the Behringwerke vaccine. From the official minutes of the meeting it was agreed that the

"vaccine presently produced by the Behringwerke from chicken eggs will be tested for its effectiveness in an experiment. For this purpose Dr. Demnitz will contact Obersturmbannführer Dr. Krugowsky.

"If this Behringwerke vaccine is proved to be effective, the production capacity of Behringwerke in Marburg shall be essentially increased." (P.E. 489)

It was also agreed that in order to carry out the comparative tests, Demnitz would prepare the vaccine in the present form and in double strength for this shipment. (P.E. 1607)

(202) The next step was of course to send the necessary test quantities of Behringwerke typhus vaccine. This was done on 14 Jan. 1942 when I. G. Behringwerke wrote to the concentration camp Buchenwald:

"With reference to various conversations which members of our staff have had with the gentlemen from the Hygienic Institute of the Waffen SS, Knokebackstrasse 43-44, Berlin, we are

* Later, after the results of the comparative tests were known, I. G. Behringwerke was ordered to produce the Cox vaccine. (P.E. 1632)

taking the liberty of today sending you free of charge, by express, 7 x 24 cm typhus vaccine for fifty persons. This vaccine is concentrated and is at least twice as strong as the typhus vaccine which the Hygienic Institute of the Vaffen SS has already received through the left hand Signatory. As you know, experiments with other vaccines besides the concentrated one we are sending you today and the vaccines which we produced formerly are also to be carried out." (P.S. 1609)

(203) The crucial question before this Tribunal is what kind of experiments were contemplated when it was decided to test the comparative efficacy of the typhus vaccine. No one denies that the tests contemplated were to be made on human beings. The questions which remain are: what kind of human beings and under what circumstances were the tests to be conducted.

(204) Just in the event that this Tribunal is asked to believe that the defendants thought that their typhus vaccine was to be tested by Hrugowsky in a typhus-congested area in the East, the Prosecution asks this Tribunal to note that the Farben representatives, beyond any possibility of doubt, knew that the comparative tests were not to be made on persons in typhus-congested areas in the East but were to be made right in the Buchenwald concentration camp, Germany. This important fact is established not only by the actual shipment of the test quantities of the typhus vaccine from Farben's Böhrlingwerke plant direct to the concentration camp Buchenwald, but it is now confirmed by the testimony of Dr. Dennis himself who, on cross-examination answered as follows:

- Q. "You must have misunderstood the question. I say the conference you had which you attended on 29 December and where it was agreed to have comparative tests made. Now I say, when this shipment was made to Buchenwald, was that for the purpose of carrying those tests out?
- A. "I have explained this morning that I had to assume that this consignment was designated for this comparative test." (Tr. 10819)

(205) In view of the foregoing, it is clear that Demnitz, Farben's chief representative at the 29 December meeting, in carrying out the decision of the meeting to make comparative tests, sent 50 doses of Behringwerke typhus vaccine to the concentration camp Buchenwald for the purpose of the experiments.

(206) At this point the Tribunal is entitled to inquire, in the light of all of the facts known to the defendants, whether the shipment of 50 doses of the typhus vaccine for the purpose of having its efficacy tested in the concentration camp Buchenwald, could have been made innocently and without the knowledge that the experimental subjects were to be artificially infected with a typhus virus. The Prosecution submits that without any further evidence and without any external information not contained in the discussions which took place at the 29 December meeting, it is clear beyond a reasonable doubt that the shipment to Buchenwald could not have been made innocently.

(207) Let us review the pertinent facts. It will be recalled that during the course of the discussion which took place at the 29 December meeting, a Prof. Kadische reported that he had inoculated 3,000 persons with the Behringwerke vaccine in a typhus congested area in Poland and that not one person had become sick with typhus. (P.E. 1606) Now the question that arises is if the authorities were not satisfied with the efficacy of the Behringwerke vaccine after receiving a report that 3,000 persons had been inoculated in a typhus-congested area and that not one of the inoculated persons had become sick with typhus, what more final proof or more reliable proof could be obtained from inoculating 50 persons in Buchenwald? This very question was put to Dr. Demnitz:

Q. ".... Now, you know from your discussions in the 29 December meeting that your Behringwerke vaccine had already

been used on some 3,000 persons in a typhus-congested area. Now, what additional proof or more accurate proof did you think you were going to get from those 50 doses you sent to Buchenwald?

A. "Radzike had vaccinated 3,000 persons. That was not an experiment or a test. It was usual application of a vaccine...."
(Tr. 12829)

As a matter of fact Dr. Bernita's answer was partly correct. Although Dr. Radzike had vaccinated 3,000 persons, that was not "an experiment or a test." It is true it was not an experiment or a test in the sense of the Ding experiments in Buchenwald which involved artificial infection of the experimental subjects. On the other hand, it was perfectly clear that Prof. Radzike had conducted the usual type of local test, i.e., by vaccinating persons in a typhus-congested area and he observed the results. Commenting on Radzike's tests, Dr. Bernita, in his report of the 29 December meeting stated that the Behringwerke vaccine had already stood up to very special tests because

"He (Radzike) had vaccinated numerous Jews in the Warsaw ghetto who were particularly exposed, with our vaccine and up to the present time had not yet found a single failure." (P.E. 1607)

Moreover, Dr. Radzike, operating in the Warsaw ghetto where the experimental subjects were "particularly exposed to infection" had almost ideal conditions for conducting legal tests of the Behringwerke vaccine.

(255) You, if we assume that the experiments in Buchenwald were not intended to involve the artificial infection of the experimental subjects, it becomes immediately apparent that no useful purpose would have been served in sending the 50 doses to Buchenwald. This is true even if we further assume that Buchenwald, which was in the heart of Germany and not in the East, was a "heavily congested typhus area."

(209) ~~Assuming~~ that the defendants mistakenly thought that Buchenwald was a typhus-congested area, what results could they have to have obtained from the Buchenwald experiment? At best the results would have shown that 50 persons in a typhus-congested area were inoculated with Behringwerke vaccine and did not become sick with typhus. This hardly could have been the result they were seeking, since they already knew that 3,000 persons in a typhus-congested area had been inoculated with Behringwerke vaccine and had not become sick with typhus.

(210) The real answer is that since typhus is not a contagious disease but can only be contracted by the bite of an infected louse, there is no way of knowing whether any individual or group of persons exposed were in fact bitten. Obviously, if 3,000 are exposed, there is a much higher probability that some of them would be bitten if they live in a typhus-congested area. Similarly, if only 50 are exposed in an equally congested area, the probability is only one-sixtieth as great that any of them would be bitten.

(211) In point of fact the true ratio is far greater than 1:60 since Buchenwald was not a typhus infected area (P.R. 1611) and what is more, the fact that Germany proper was "free of typhus to a great extent" was known and discussed at the 29 December meeting and Pernitz himself included that part of the discussion in his own report of the meeting. (P.R. 1607)

(212) The only way of explaining why the competent authorities, including the Farben participants, could expect more convincing proof from the inoculation of 50 persons in Buchenwald than they had from the inoculation of 3,000 persons in Warsaw is that with respect to the 50 in Buchenwald they were not relying upon the tiny ratio of "probability" that any of the exposed persons would in fact be bitten by an infected

icuse. With respect to the 50 experimental subjects in Puckewald, they could be certain of the infection because the typhus virus was artificially injected.

(213) The Prosecution submits that there is no other rational interpretation of the decision of the 29 December meeting than that it was intended to conduct medical experiments on human beings in a conspiratorial way by artificially infecting them with typhus in order to test the efficacy of the Behring vaccine. Moreover, it is established that the decision was participated in by three Farben representatives, including one of Mann's chief assistants and Lautenschlaeger's top man for the Behringwerke plant. Nor is it any longer open to doubt that the defendants Meerlein, Lautenschlaeger and Mann not only were sent copies of the minutes of the meeting (Tr. 4116) but all three promptly took an active part in carrying out the decision there reached.*

(214) The foregoing discussion shows that the decision reached at the 29 December meeting was a decision to test the comparative value of the Behringwerke vaccines by artificially infecting the experimental subjects with typhus and that the Farben representatives not only urged that their vaccine be included in these criminal tests but promptly participated in making the tests possible by furnishing the necessary vaccines. What has not yet been made clear is why it was necessary to resort to an illegal and inhumane as well as unusual method of testing a vaccine against a dangerous disease. After all there were available typhus-contested areas in the East where really large-scale tests could be made and where the necessary "standard vaccine" referred to by Dr. Dembits could be used with respect to the different vaccines and where the necessary control or observation could easily be exercised. The

* For Meerlein and Mann's knowledge and participation in the 29 December 1941 meeting see Part VI. With respect to Lautenschlaeger, the record is now clear that he promptly made his vaccine available for armed tests.

"control" in cases of vaccination consists merely in making the inoculation and waiting for a period of time to find out whether any of the persons inoculated became sick with typhus. (Tr. 10849,50).

(215) Defense witness Dr. Krugowsky, in an affidavit introduced on behalf of Lautenschlaeger, furnishes the real reason for the decision to embark on a course of experiments involving artificial infection. He explains that the reason for testing vaccines on inmates with subsequent artificial infection was that the legal method of testing took too long. Dr. Conti was called the 29 December meeting "instigated" the Ding experiments in order

"as quickly as possible to gain conclusive knowledge of the protective value of the typhus vaccines in Germany and for this purpose he suggested the immunization of prisoners in concentration camps with the vaccines, and to artificially infect the typhus virus upon immunity. In this manner results were to be procured in a few weeks under equal experimental condition."
(Laut. Ex. 5)

On 31 March 1941 hardly more than two months after the shipment of the test quantities of typhus vaccine to Buchenwald the Behringwerke inquired as to the result of the comparative tests; and was informed that

"The typhus vaccine manufactured by you has proved less effective than the subcultivated vaccine of the Robert Koch Institute."
(P.E. 1632)

It may be noted in passing that as a result of the first series of comparative tests on typhus vaccines, there were five deaths recorded: 3 from the control group, (i.e., those not vaccinated at all before being infected) and one death from each of the two groups vaccinated with Behringwerke vaccine. There were no deaths among those vaccinated with the Weigl vaccine or the Cox (Robert Koch) vaccine. After Demits was notified that the Behringwerke

vaccine was inferior (P.E. 1832) and after Dennitz received a letter from Prof. Bieling (Lautenschlaeger assistant) who admittedly knew that the Ding experiments involved artificial infection and who informed Dennitz that

"Tests (by Ding) on human beings were being carried out without really much point."
(P.E. 2359)

Dennitz again sent Behringwerke vaccine to Buchenwald for further testing. The following entry appears on the Ding Diary (P.E. 1808) under date of 1 - 20 December 1942:

"Spotted Fever Vaccine - Research Series V"

To determine the immunization effect, 20 persons were actively vaccinated for immunization with vaccine 'III' of the Behringwerke - Dr. Dennitz -

On 25 January 1943 'artificial infection with Edotter virus.'

(216) Before discussing the next series of experiments, a few observations with respect to Lautenschlaeger witnesses may be helpful, particularly since Lautenschlaeger himself did not take the stand in his own defense but relied primarily upon testimony of Dr. Dennitz.

Defense Witness Dr. Dennitz.

(217) Dr. Dennitz, top man at the Behringwerke/Lautenschlaeger explained Prosecution Exhibits 1801 through 1803 indicating that they did not involve any original medical experiments. In doing so, he confirmed the only points for which the exhibits were introduced by the Prosecution, i.e., to show that as far back as 1939 Behringwerke had sent new preparations to the Buchenwald concentration camp for the purpose of having the product tested on inmates. Dennitz admitted:

(a) "We sent a newer type of vaccine which was not yet in circulation."

- (b) "It is true that the Behringwerke could assume from this business transaction that a concentration camp existed at Buchenwald."
- (c) "That the persons vaccinated with the newer vaccine were inmates."
(Tr. 10832. Compare with Part IV, p.6. Preliminary Memorandum Brief.)

(218) Dr. Demnitz had a conversation about the various typhus vaccines with Prof. Bieling (assistant to Lautenschlaeger). Bieling had before that conversation been told by Dr. Ding that he was making experiments "on human beings with artificial infection." (P.E. 2259). Demnitz testified that Bieling never mentioned the fact that artificial infection was used in Buchenwald. When specifically asked on cross-examination what Bieling did tell him, he stated that Bieling said:

"One must conclude that the vaccination was effective." (Tr. 10832)

The Tribunal will note that in contrast to the Demnitz testimony, Bieling in an affidavit given to the Prosecution stated that he informed Demnitz that the Ding tests

"on human beings were being carried out without really much profit." (P.E. 2259)

(219) On direct examination the following testimony was given:

- Q. "You said that Prof. Lautenschlaeger was informed only in broad outlines. Did you inform him of the results of the comparative vaccine tests which were afterwards carried out in the Reichs Ministry of Interior and I am particularly referring to Dr. Kragewsky's report of 5 May 1942?"
- A. "I think I can still remember that I have done so."
- Q. "Could you perhaps tell us in what way you informed Prof. Lautenschlaeger?"

- A. "As far as I remember, I probably told him one day that it was now established that the chicken egg vaccine was proved to be just as effective as the Weigl vaccine, the lice vaccine." (Tr. 10835)

Lautenschlager, as head of both the Behringwerke and the Lemberg Institute, the two main production centers for typhus vaccines, was the one person in Germany most directly interested in the comparative vaccine tests being conducted at that time. The outcome of these tests were to determine whether Lautenschlager could produce his own Behringwerke vaccine or whether he would have to convert from the production of Behringwerke vaccine to the production of the Cox vaccine; and would even determine what he would produce in his Lemberg Institute. Yet, when asked whether he informed Lautenschlager of the comparative experiments, Demnitz testified:

"I think I can still remember that I have done so."

The answer to the second question was even more fantastic. It will be recalled that the very purpose of the comparative tests was to determine whether the Behringwerke vaccine would be produced or whether the Cox vaccine would be produced. The official report of the meeting of 29 December 1941 stated:

"The vaccine which is presently being produced by the Behringwerke from chicken eggs shall be tested for its effectiveness in an experiment. For this purpose, Dr. Demnitz will contact Obersturmbannführer Dr. Krugowsky.

"If this Behringwerke vaccine is proved to be effective, the production capacity of the Behringwerke in Marburg shall be essentially increased." (P.R. 489)

Now, after the tests have been performed and the Behringwerke vaccine was found not to be as effective as the others, Demnitz testified that he probably told Lautenschlager that the egg vaccine was proved to be just as effective as the Weigl vaccine — completely omitting the

primary purpose of the tests i.e., to see which of the two mass production vaccines (Cox and Behringwerke - both egg vaccines) was more effective.

Krawowsky

(220) Apart from Dr. Dembits, Krawowsky's affidavit which deals with all aspects of the case is apparently relied upon heavily by the Defense. Krawowsky, who has been sentenced to death for his part in the same experiments with which we are here concerned, gives an affidavit in defense of Lautenschlager, and Farber generally. Krawowsky completely absolves Farber from any participation in any of the experiments, and of course absolves himself as well. With respect to his credibility, the fact that he gives himself a clean bill of health in connection with experiments for the participation of which he has been found guilty and sentenced to be hanged, is not particularly convincing proof that the statements he gives in regard to Farber are any more reliable.

(221) In the affidavit which Krawowsky gave to the Defense, he makes two main points with respect to the Ding cooperative typhus vaccine tests. First, that the Behringwerke didn't deliver the vaccine to Ding and, second, because of the secrecy that normally surrounded SS activities in the concentration camp, Ding would not inform Behringwerke about his experiments. With respect to the first point, Krawowsky stated:

"I never heard that Dr. Ding has ever negotiated with Dr. Dembits or any other representative of the Behringwerke for the direct delivery of vaccines to himself. Vaccines were accessible to him at all times. The main medical depot of the Waffen SS in Berlin, Lichterberg, the central office for medical supplies of the Waffen SS, and the concentration camp, already had a small supply of typhus vaccines of diverse origin at the end of 1941. Hence it was a simple matter for Dr. Ding to procure the various vaccines for his purposes from this source, without giving either the main medical depot or the manufacturer any knowledge of the intended experiments." (Laut. Ex. 5)

The best answer to the logical analysis of the situation by Krugowsky is the admitted facts. Dennitz himself has admitted that he sent the Behringwerke vaccine to the Buchenwald concentration camp for the very purpose of making the comparative tests. Apart from Dennitz' admission, the letter to Buchenwald forwarding the shipment and expressly stating his purpose, is already in evidence. However, Krugowsky's statement is interesting because it bears on his second point concerning secrecy. If secrecy was really important to Ding, if as Krugowsky states, it was

"simple matter for Dr. Ding to procure the various vaccines without giving the manufacturer any knowledge of the intended experiments," (Int. Ex. 8),

then it is significant that he nevertheless procured his vaccines directly from the manufacturer. As a matter of fact the so-called secrecy was honored more in the breach than in the practice. It will be recalled that Dr. Ding did not hesitate to explain to Prof. Bieling all the details of the experiments, including specifically the fact of artificial infection. It will be recalled also that when Ding visited Leutenschlaeger in Hoechst in connection with his later experiments with the Hoechst product Acoridin, he took no pains to conceal the fact that he knew the precise date of infection of the experimental subjects. Leutenschlaeger himself stated that it became clear to him that Ding's experiments involved artificial infection. Finally, the Tribunal may recall that Dr. Kogen who acted as Ding's secretary in Buchenwald has stated that he personally sent to the manufacturers, Behringwerke and Hoechst, detailed reports on the experiments, including fever charts, rate of death, etc. Ding's Cape clerk, Dietsch, pointed out that the charts submitted showed the date of infection.

(222) It is submitted that the incredible testimony of the principal witnesses for the Defense should be balanced against the overwhelming weight of the Prosecution's proof which consists almost entirely of contemporaneous documents.

(b) Experiments at Buchenwald concentration camp to determine the efficacy of Dargen's various therapeutics, Acridin and Eutenol, and Methylene Blue.

(223) In view of the fact that the experiments concerning Methylene Blue are discussed under Part VI, Herlein, the evidence discussed here will be limited to additional evidence introduced since the submission of the Preliminary Memorandum Brief.

(224) Dr. Weber is Lautenschlaeger's chief witness with respect to therapeutic experiments in Buchenwald. A few observations concerning Weber's credibility may be of assistance in determining the weight to be given to his testimony. At the outset it might be noted that Weber states that he is entirely responsible for the experiments which took place. He makes this statement fearlessly and without hesitation from his hiding place in Switzerland. It is interesting that his affidavit is datelined "Without indication of locality". The certification states:

"The indication of locality was omitted because affiant does not wish to disclose his place of sojourn at this time. Affiant consented to make this affidavit only after he was promised that professional secrecy is observed as regards his place of sojourn." (Ex. 61)

Under the circumstances it is submitted that his assumption of full responsibility may not be too meaningful.

(225) With the same cavalier attitude Weber categorically denies the material assertions of the various Prosecution witnesses and disputes the accuracy of contemporaneous documents. (Pages 41, 45)

(226) It is interesting to note that even Lautenschlaeger's

admission that in the conference with Ding and Weber, he learned of the artificial infections, is now questioned by Weber. Weber states:

"Prof. Lautenschlager said that from the statement of Dr. Ding about 'dosed infections' it became clear to him that Dr. Ding had operated with artificial infections, I hold an entirely different view for the substantiation of which I shall explain the term dosed of 'infections' in the following."
(Laut. Ex. 51, page 42)

(227) The Tribunal's particular attention is drawn to Prosecution exhibit 2380, a letter from Prof. Sielins to Dr. Weber. In this letter which deals with the Ding experiments, Prof. Sielins writes:

"Also the patients who took this preparation during the incubation time already could bear this drug much better, even later on, after the outbreak of the disease, which by the way, occurred at the normal time."

The Prosecution admits that this portion of a contemporaneous document written by one of Lautenschlager's top assistants who was then working with the army, to Dr. Weber who was in charge of Lautenschlager's Hoechst plant, not only destroys the contention by Weber that he did not know that the experiments by Ding were conducted by artificial infection; but supports the basic position of the Prosecution that the knowledge of the precise conditions under which Dr. Ding operated were fully known within Berlin.

(228) It will be recalled that Dr. Weber in his affidavit stated that:

"To diagnose 'typhus fever' in the preliminary stages is difficult. This explains why many physicians refrain from treating patients who ran a very high fever until an exact diagnosis was possible and thereby they lost much valuable time. I, on the other hand, always took the view that in epidemic centers patients who had lice and who ran a high temperature, of which the cause could not be determined, were to be treated at once....." (Laut. Ex. 51).

It will be noted that even Weber's more radical approach requires two conditions to justify treatment for typhus.

- (a) That the patient must have lice and live in an epidemic center;
- (b) Must run a high temperature of which the cause cannot be determined.

(239) Reverting to the Bieling letter, it will be observed that Dine's patients were treated for typhus during the "incubation time". It is admitted that treatment during the incubation time requires a foreknowledge available only to persons dealing with artificial infection. A person who has typhus which is still in the incubation period is a perfectly normal individual who shows no symptoms of any kind. In fact, lest anyone misunderstand the word "incubation", Bieling's later statement makes its meaning perfectly plain. He says: "Even later on, after the outbreak of the disease" (P.E. 2260), showing that the treatment to which he referred took place before the outbreak of the disease. Even Dr. Weber, who believed in early treatment, did not even suggest that persons be treated who did not at least run "a high temperature of which the cause could not be determined." Undoubtedly theoretical, far-fetched situations could be figured out, such as treating all persons for typhus who lived in a typhus-conquered area and were found to have lice. The mere statement of this possibility is its own refutation. Unlike a vaccine, the therapeutic treatment does not immunize so that treating persons even in a heavily infected typhus area would be completely futile with respect to possibly 99% of them. Since unless they were at least infected and in the "incubation" period, the treatment would have been completely wasted.

(c) Experiments at concentration camp Auschwitz to determine the efficacy of the Farben chemo-therapeutic acridin "3582" in the treatment of typhus.

(230) In connection with the testimony and documents relating to the experiments at Auschwitz with Farben therapeutics, there has been much discussion concerning the German word "versuche". It has been claimed that when a German uses the word "versuche", he never intends to convey the thought that an experiment involving artificial infection is to take place. It was contended time and again that the German word "experimente" meant experiment in the sense of artificial infection as in the case of animals, and that "versuche" was limited to the administering of preparations in order to help persons already sick.

(231) The Prosecution places no importance whatever on its use of the word experiment and does not rely in any way upon the fact that the word "experiment" appears in a document or affidavit, as indicating that what is referred to is something illegal, unethical or in any way improper. The Prosecution relies solely upon the evidence of the actual conditions under which the experiments or tests were carried out and not on the word used to characterize what took place. However, in view of the fact that the Defense argued so strongly and on so many occasions that the mere fact that the Farben people used the word "versuche" when they spoke of testing their preparations in Auschwitz, was proof that they did not know or intend that artificial infection should be involved, the Prosecution calls the Tribunal's attention to the cross-examination of Adolph Butenandt who testified as an expert on behalf of Hoerlein.

Q. "Mr. Witness, you testified at some length about the word 'Versuche', which you interpreted as 'tests'; and 'Experimente' as the German word for 'experiments'. If I understood you correctly, you made the distinction that in the first case it would be tests on human beings who were already sick, and in the second case, of experiments on human beings who were made sick artificially. Is that right?"

A. Yes, that is true, but I consider an attempt to help a patient not an experiment.

Q. A patient is a person who is already sick?

A. Yes.

Q. Now, in the case of animal tests, is it not a fact that the word 'versuche' is also used?

A. Yes.

Q. Even though in the case of the animal tests there is no question but that it is an experiment in your sense of the word 'experiment'?

A. Yes; in the case of an animal it is an experiment in the sense of the word 'experiment' performed solely to obtain scientific knowledge, but not in any wish to help the animal.

Q. Yes, and in the case of the animal experiment it is customary, is it not, to use the word 'versuche' as well as 'experiment'? Now isn't that right?

A. Yes.

.....

Q. Pardon me. I gave you the hypothetical case, and I asked you, as an expert, to tell me what the proper term was. I stated that in an animal experiment, where an animal is artificially infected, there is no question of the animal's being sick — I say, in such a case, isn't it perfectly proper German to use the word 'versuche' in describing that experiment?

A. Yes.

Q. Thank you." (Tr. 5195-6)

(332) Another subject on which has been much discussion and some evidence which, just for the record, ought to be cleared up, concerns the purpose for which preparations were sent to the various concentration camps. The Defense, and particularly defendant Beerlein and witnesses testifying in his behalf such as Dr. Laecker, have explained that the Prosecution have presented a distorted picture and that the Farben preparations were readily sent out to help the unfortunate inmates.

Referring to the shipments of Farben pharmaceuticals to concentration camps, Baerlein stated:

"I would have considered it a sin of omission or, to use the words of the Prosecution, a crime against humanity, if I had not done everything I could to help these poor people." (Tr. 6257)

The Prosecution has re-examined the documents submitted by it to find any letter or record of conference or inter-office memo referring to shipments of pharmaceuticals to concentration camps which so much as suggested any motive or purpose of helping the unfortunate inmates. It has found no such suggestion. On the positive side practically every document referred specifically to the tests Farben wanted made. (F.B.s 1639, 1636, 1633, 1609, 1803, 1651, 1652, 1650, 1657, 1692, 1694, 1700, 1708, 1709, 1711, 1712, and 1732.) The Prosecution concedes that on one occasion Nitroel, a well-known preparation which did not require testing, was sent to Auschwitz in connection with a scabies epidemic.

(233) The basic evidence with respect to experiments conducted with Farben therapeutics both at Buchenwald and Auschwitz is contained in the Preliminary Memorandum Brief which is merely supplemented herein.

END

MILITARY TRIBUNALS

THE UNITED STATES OF AMERICA

- against -

KRAUCH and others (Case VI)

FINAL BRIEF OF THE PROSECUTION

PART V

Evaluation of Certain Defenses

Nurnberg, Germany

1 June 1948

PART V

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PART V

EVALUATION OF CERTAIN DEFENSES

1. INTRODUCTION

(1) We propose to discuss in this part of the brief some of the defenses interposed which are common to the entire case. We shall not discuss in this part defenses which a particular defendant has raised which are not of a general nature, leaving the discussion of such matters to Part VI where the activities of the individual defendants are dealt with.

(2) In addition to the general defenses discussed herein, we propose to consider the general question of the credibility of the defense testimony, pointing out particularly the difference in the character of the evidence submitted by the Prosecution and the Defense, and the question of the weight to be given to such evidence.

(3) The principal defenses interposed are:

(a) During the entire period from 1933 to 1945, the defendants did not act freely and of their own volition, but on the contrary, they were subject to direction by force or by the threat of force, which amounted to coercion and duress. This defense cuts across all of the principal counts of the indictment, namely, the counts charging the commission of Crimes against Peace, War Crimes, Crimes against Humanity, and Conspiracy to commit Crimes against Peace.

(b) With respect to Crimes against Peace, the general defense has been interposed to the effect that the tremendous expansion by Forben of its plant facilities from 1933 to 1945, and the resulting increase in production of material essential for the waging of war, was in fact nothing more than a normal development

of its peacetime business and was unrelated to the rearmament of Germany. Alternatively the additional defense has been interposed that if this tremendous expansion of its plant facilities and production was connected with the rearmament program of Germany, then the defendants participated in such rearmament in the belief that it was for a defensive war, and they did not believe that they were participating in preparations for an aggressive war.

(c) In considering the question of credibility, we shall discuss the defense interposed, which the defendants have seen fit to refer to as "window dressing."

B. THE DEFENSE OF DURESS

(4) We shall consider this defense in two aspects; first, the factual aspect, and second, the legal aspect. Factually, the record shows these defendants voluntarily engaged in the activities which we have discussed in Parts II, III, and IV of this brief, and that they not only were free of restraint, but in fact took the initiative in the fields discussed.

1. The Factual Aspect

(5) As the evidence establishes, Forban was a power to be reckoned with in Germany, and in fact in the world, when Hitler seized the reins of government. Forban had been a substantial power a generation before the Nazis came to power. Forban was indispensable to creating and equipping the Nazi war machine; her world-wide empire was necessary for carrying out economic warfare, fifth column activities, and propaganda and intelligence activities throughout the world - as well as for supplying

the necessary foreign exchange to the Nazi Government; and Farben's international relations with foreign countries were an indispensable weapon to the Nazi Government in its efforts to weaken the economic strength of the countries which the Third Reich regarded as potential obstacles to carrying out its aggressive policies. In the words of Funk, "Without the German I. G. and its achievements, it would not have been possible to wage this war."

(6) To merely suggest that those who directed this "State within a State" were forced to help bring Hitler to power in 1933 and to help him consolidate his position in Germany, and that they were forced to support him and his program during the next 12 years while he was destroying freedom in Germany and attempting to destroy it throughout the world, is to suggest the answer. The fact that Farben and its leaders gained in personal position and prestige; that they made huge profits in preparing Germany for war; that they expanded their empire abroad by seizing the property of others; and that they were able to make these profits and expand their empire by making slaves of the conquered peoples; is part of the answer.

(7) Even if we should accept the word of these defendants as to why they joined with the Hitler Government and lent their support to the Nazi program, there is not an element of coercion or duress present. The Defense claim, in effect, that Farben gave the support it did, and placed its representatives in responsible positions in the Government, in order to be able to guide Government policy in accordance with their own ideas rather than leave the field to the extremists of the Nazi Party. This is their explanation of why KRAUCH, for instance, joined the Government and occupied a position where he could at least protect the business interests of Farben. In fact, through his control of this

key position in the war economy of Germany, he did more than protect Farben's interests. He saw to it that they received a very substantial part of the business dealing with Germany's mobilization for war. The other explanation for Farben's joining the Government was to maintain their own dominant position in the German economy, and to prevent any rivals from entering their special province through better connections with the Party or the SS or similar organizations. The documents in evidence which allege that those were Farben's motives in doing what it did contain no suggestion of any coercion; but on the contrary, they show a studied effort on the part of Farben to maintain its position in the German industrial economy and in fact to expand its power therein.

(8) KRAUCK has stated that Farben's policy was in connection with participation in government affairs. He testified (Tr. 5032):

"It has always been a tradition of the I. G. to have certain connections with the government of the day. That can be seen from the fact that many of the Aufsichtsrat members of the I. G. held ministerial positions in various governments. * * * The I. G. was a great factor in German commercial policy. A statesman once coined the word, 'that without I. G. and without coal, I can have no foreign policy.' * * * The government wanted to gain insight into the commercial business of I. G. Farben. They wanted to know about the relationship of I. G. Farben to trade factors abroad, and conversely I. G. was also interested in seeing where the policy of the government led to with respect to trade and similar agreements."

(9) Farben felt that it had to support Hitler in order to prevent chaos, which the leaders of Farben in 1933 described as follows (PE 57):

"Just now it is a question of Fascism and Bolshevism, and industry must support the present government to prevent further chaos. In the beginning Hitler did not consult industrial leaders, but in recent weeks he has shown his stability by curbing the more extreme elements of the Party in bringing the industrial leaders into consultation with him."

Dr. Bosch has been in Berlin in direct contact with the government, and in fact, spends practically all of his time between his dwelling in Heidelberg and the government offices in Berlin, thus leaving little, if any, time for the affairs of I. G. Farben" (PE 57).

(10) Koppler, Hitler's economic advisor, tells of the eagerness with which Farben was ready to advise Hitler. Thus, he states:

"Shortly after the taking over of power, the heads of many of the leading enterprises paid formal calls on Hitler. From I. G. Farben came Bosch, then chairman of the Vorstand, who was one of the most important industrialists of Germany. Neither I or apparently anyone else of Hitler's circle had invited these people. On the contrary, they were extremely insistent in their wish to be allowed to see Hitler" (PE 58).

(11) On the question of financial support to Hitler in the light of the defense of Gurses, it is sufficient to indicate that no claim has been made that the contribution of 400,000 RM by Farben to help elect Hitler in 1933, was not voluntarily made. The claim has been made, however, that the subsequent contributions by Farben to Nazi organizations were in the nature of a tax and were made involuntarily. TER MEER and VON SCHNITZER in July 1933, told DuPont's representative how:

"Herr Krupp had developed a scheme whereby industry could contribute to the Party organization funds, and in fact, every industry is called upon to pay one-half of one percent of the annual wage and salary roll to the Nazi organization. For Farben, the annual amount is about 1,000,000 RM" (PE 57, at p. 8).

(12) Not only did industry conceive the idea of making financial contributions in this manner, but we find that the defendant SCHWITZ was a member of the Industrial Committee (along with Krupp) of the Adolf Hitler Fund, and this committee fixed the rate of the contributions which industry was to make to the Nazi organizations (PE 2305).

(13) Following this alleged idea of Bosch that industry should enter the government in order to curb the extremists of the Nazi Party, KRAUCH testified that he became a member of the Vorstand of Eraberg (the company specially formed to exploit the Farben processes for production of synthetic gasoline) because Schnacht told him that this company "was very much favored by the Party" and the Party would attempt "to assume control of the business; in order to prevent this and to preserve the initiative of business, he asked me in order to create a counter-balance to the efforts of the Party, and as a business expert, to join the Vorstand" (Tr. 5050; 5070).

(14) In 1936 when Goering set up his Office for Raw Materials and Foreign Exchange, KRAUCH was approached by Colonel Loeb and asked to join Goering's staff. KRAUCH discussed this with SCHWITZ and Bosch (Tr. 5068), and KRAUCH states:

"Bosch was greatly interested in seeing that no politicians from the Party were put into positions of economic importance, but men who knew something about business and its endeavors" (Tr. 5070).

Bosch advised KRAUCH to join Goering's staff (Tr. 5068), and:

"I was convinced of the validity of his (Bosch's) arguments. I went to Berlin in order to tell Loeb that I was in agreement" (Tr. 5072).

(15) When the successive administrative changes were made in the Office of the Four Year Plan, KRAUCH discussed the changes with Bosch, and Bosch "advised me to continue staying in that position and to carry out the transfer" (KRAUCH, Tr. 5076).

(16) In June 1938, when KRAUCH learned that the figures with respect to production on the mobilization plans were wrong, he again spoke to Bosch about it and Bosch told him that General von Brauchitsch and Colonel General Beck had told him (Bosch) that they both feared that the mistakes which were being made in the German foreign policy would

eventually lead to war, and they said that the rearmament had not sufficiently progressed to wage war (Tr. 5036). With this knowledge, KRAUCH went to Goering and voluntarily undertook to draw up a new production plan to correct the mistakes so that progress in armament would be more realistic in relation to the foreign policy, or to put it the other way, foreign policy was to be adjusted to the performance of KRAUCH's "new Rush plan". KRAUCH's own testimony fails to show any element of coercion or duress with respect to this episode.

(17) In connection with Forben's participation in the Four Year Plan, we have already indicated the motive behind Forben putting KRAUCH in that office. "Schacht, who was at odds with Goering as to how far to go in mobilizing the entire economy for war, reportedly 'warned I. G., i. e. SCHMITZ, as well as VON SCHNITZLER, not to take part in the Four Year Plan projects' (PE 700). In the evidence discussed in Part II of this brief, there is no suggestion of any coercion with respect to the undertakings on the part of Forben in the expansion of its production and facilities in connection with synthetic gasoline, synthetic rubber, and the other production fields discussed.

(18) The iron and steel industry declined to join in certain Four Year Plan projects, and the extent of coercion exerted against them was the creation by the government of the Hermann Goering Works. TER MEER discussed that feature of the subject in his testimony (Tr. 7117):

"It is true that the iron and steel industry in the Rhine and the Ruhr was not prepared to participate when the Hermann-Goering-Werke set up an iron and steel industry in Central Germany. This did not seem good business to them, because a rather large new iron capacity had to be created at higher prices than iron could be produced at in the Ruhr, from Swedish ore. The time might come when new plants would have no work, and since their products were more expensive than that of the industry, they might be closed;

and the iron industry did not want to get into that risky business, and that is why the Hermann-Göhring-Werke, a state plant, was set up."

Ferben did go into that "risky business"; in fact, with respect to the Four Year Plan projects, "I. G. had the first option" (Tr. 9309-9311).

(19) Even in the field of explosives and chemical warfare agents, there was no compulsion for Ferben to do anything. Thus, Dr. Zahn, chief of the Army Ordnance Office who was in charge of preliminary products for powder, explosives, and chemical warfare agents, particularly diglycol, stabilizers, hexogene, omega salt, losantine, etc. (Tr. 11481), testified as follows:

"A. I am supposed to state whether we (Army Ordnance) had any means of forcing a firm at that time (i.e. prior to the outbreak of war) to do what we wanted them to do.

Q. That is correct.

A. This is your question.

Q. That is my question.

A. I can't imagine what means we could have used. I don't know whether there was any legal basis or administrative basis which would have permitted us to exercise force in this sense that they had to set up the installations whether they wanted to or not. I can't judge that.

Q. Did you personally force a firm prior to September 1, 1939 to set up any installation to produce a particular product?

A. We never forced these people. We told them in a non-committal manner, we need this and that, can you help us"

(20) AMBROS admitted that when the military officials asked Ferben to produce poison gas, that they declined to do it and were not forced. Thus, he testified (Tr. 6103):

"Q. Well, why was this inquiry rejected?

A. Directive by I. G. Ferben. We don't produce any gases.

Q. Do you know whether that was discussed in the Vorstand meetings?

A. I cannot say.

Q. Was the OKW satisfied with that?

A. They must have been, because we could not be forced in peace time."

(21) In October 1941, the defendant KUEHNE wrote to the defendant SCHMITZ, reporting on a public address made by Funk (Minister of Economics and Plenipotentiary for the Economy) in the presence of high government officials and industrialists wherein he stated that:

"I must establish that without the German I. G. and its achievements, it would not have been possible to wage this war."

KUEHNE, in reporting this to SCHMITZ, states:

"You can imagine I was overjoyed and expressed to Herr Funk my thanks in the name of the whole I. G." (PE 2064).

(22) In connection with the activities of Farben regarding spoliation and plunder of the chemical industries of Europe, we refer to the discussion of the evidence in Part III of this brief. In these spoliation activities, one thing which stands out is Farben's initiative in this field. The theme appears again and again in the documents, namely, that Farben could not tolerate the entry of a new competitor, and must itself be given "leadership" in the fields which, for "historical reasons" (PEs 1247, 2063) or its pioneering technical development or "its financial sacrifices" (PE 586), or in view of "the services rendered by I. G. Farben to the Reich" (PE 15), it considered to be its exclusive domain.

(23) In fact, when the German officials asked Farben to take over a plant in France and Farben, for "business" reasons did not desire to take it over, it simply told the German authorities that it was not interested and that was the end of the matter (see MURSTER testimony, Tr. 10967).

(24) In connection with the activities involving Farben's use of slave labor, there too the facts, which are discussed in detail in Part IV of this brief, indicate Farben's special initiative in this field. AMEROS stated: "The I. G. financed the I. G. Auschwitz because it did not wish to let go the hold on the bunk process" (PE 1419).

(25) In April 1941, AMEROS, in writing to TER MEER about I. G. Farben at Auschwitz, states: "Our new friendship with the SS is proving very profitable" (PE 1431). A month before that, on 25 February 1941, KRAUCH wrote the defendant AMEROS (PE 2199) stating:

"At my request, the Reich Marshal (Goering) issued special decrees a few days ago to the Supreme Reich authorities concerned, in which he again particularly emphasizes the urgency of the project (bunk at Auschwitz) and is constantly devoting his particular attention to the progress of these tasks of military economic production which have been entrusted to your care. In these decrees, the Reich Marshal obligated the offices concerned to meet your requirements in skilled workers and laborers at once, even at the expense of other important building projects or plans that are essential to the war economy" (emphasis supplied).

The defendants TER MEER and DUERRFELD received copies of this letter. And yet notwithstanding the fact that Farben went to Poland, where Auschwitz was located, to build a bunk factory, and notwithstanding the fact that KRAUCH admits that he got Goering to issue the orders to Himmler about furnishing Farben with concentration camp inmates (in Poland) to construct the Farben bunk plant, they still assert that in employing concentration camp inmates, they were forced to do so. And a final touch of the coercive nature of these activities is shown by KRAUCH's letter to Himmler in July 1943, stating:

"I was particularly pleased to hear that * * * you hinted that you may possibly aid the construction of another synthetic factory, * * * in a similar way as was done at Auschwitz, by making available inmates of your camps (PE 1525).

A more detailed discussion of the evidence on this point is contained in Part IV of this brief.

2. The Legal Aspect

(26) Factually, as we have indicated, there is no basis upon which the defense of duress can be sustained, but assuming there is evidence from which such a defense could be raised, then it must follow that this defense is legally insufficient. In our Preliminary Memorandum Brief, Part I, pp 11-12, 104-106, we have discussed the legal aspects of this defense which is sometimes labeled "coercion" or "superior orders". Since the writing of the Preliminary Memorandum Brief, the legal aspects of the defense of superior orders has been discussed at some length in the judgment rendered by Military Tribunal No. 2 in Case No. 9 (U. S. vs. Otto Orlendorf et al). In discussing this defense (Judgment, Case No. 9, Tr. 6726-6753), the Tribunal laid down as "safe guides in applying the criteria" of duress, the following questions - "Was there irresistibly physical duress? Was there volition with regard to the deed?" The Tribunal stated, "The subordinate is bound only to obey the lawful order of his superior, and if he accepts a criminal order and executes it with malice of his own, he may not plead superior orders in mitigation of his offense."

(27) If a soldier cannot plead superior orders unless he shows irresistibly physical duress, how much less should persons in the positions of these defendants be able to assert such a defense? If a soldier who acts under orders given during battle cannot use the defense of superior orders, how can a person who is not a soldier, who is not in the heat of battle, and who engages in activities over a period of years, expect to assert such a defense? And if a soldier cannot plead superior orders on the grounds that if he had

not obeyed the orders he might have been shot, how can a person place superior orders where the most that he can allege is that if he did not do what he did, it might have meant a business loss to his firm and a loss of personal prestige and position?

(28) The Defense have pressed the coercion aspect mainly in connection with Count III involving the use and misuse of slave labor. Counsel for the defendant SCHNEIDER, in his opening statement, presented the matter as follows:

"As the war progressed and the requirements of the troops increased, the manpower available in Germany by no means sufficed to cover the demands of industry and agriculture. Government, therefore, decided to cover these requirements by utilizing the population of countries occupied by German troops.... This was done at first by voluntary recruitment and later by so-called labor conscription. Everywhere the details of procurement and treatment of foreign workers were regulated by laws or decrees or international treaties.

"In view of this comprehensive program... the average German entrepreneur in all fields of economy never entertained the thought that there was anything illegal or even criminal or inhumane in employing foreign workers, provided he took... good care of them.

"In this modern, so-called 'total' economic war the production - regardless of its type - carried out by the winner of large industrial... undertaking was always of a decisive importance for the outcome of the war. . .

"The responsibility for a political program such as the slave labor program may therefore only be placed upon the political leaders. . ." (Tr. 4768-4791. Our emphasis).

(29) Aside from the legal insufficiency of this argument, it completely overlooks the evidence of Forban's own initiative in the procurement of slave labor and concentration camp inmates when it was known that the foreign workers and, of course, the concentration camp inmates were forced workers. There is no doubt that there was "a moral

choice possible" as to whether such slave labor should be used (IMT, Vol. I, page 224). The suggestion that criminal responsibility should be imposed only on the so-called political leaders of Germany, even though these defendants knowingly participated in the criminal program, would be coming back to the old argument which the IMT rejected, namely, that individuals cannot be held criminally responsible under international law but only the state. International law of today makes the individual personally answerable for violations of international law.

C. DEFENSE THAT REARMAMENT WAS FOR "DEFENSIVE WAR"

(30) In connection with this defense, the contention was made that, as a matter of fact, the increase in production and in facilities by Farben from 1933 through 1939, was not connected with the rearmament of Germany, but on the contrary, was a normal development of peacetime industrial expansion. The discussion of the evidence in Part II of this brief sufficiently demonstrates, we believe, that there is no factual basis for such contention. It is interesting to note, however, that some of the defendants have admitted that, as a matter of fact, they did participate in the rearmament of Germany, and their only defense interposed was as to the nature of the rearmament, asserting that the rearmament was for defensive purposes and not for aggression.

(31) We do not propose at this point to review the evidence establishing that these defendants knew they were preparing for aggression. That evidence is reviewed elsewhere in this brief. See particularly Parts I, II, and VI. We merely propose to discuss here what the defense apparently mean when they speak of a "defensive war."

(32) The defense of KRAUCH particularly has stressed the fact that on 1 September 1939, the actual production in the rearmament field did not reach a stage where a long war

could be carried on. We do not know whether the new "blitzkrieg" tactics of the Germans were taken into account or not. The simple truth is that these defendants expected that Germany could commit isolated acts of aggression at convenient periods, which would not involve a general world war. The planning, however (as the evidence discussed in Part II, supra, discloses), was to equip a fighting force of sufficient strength to engage, in due time, all of the forces that might be arrayed against it. There was an immediate plan for 63 divisions in 1938, and a long range plan for 90 divisions (Tr. 11567, 11452-11455, see Par. 41, supra, Part II). Assuming that the production in accordance with those plans, which was achieved on 1 September 1939, was not sufficient for "a major war", yet as Dr. Zahn, Chief of the Army Ordnance Office Section for Gunpowder and Explosives, stated, with the "small quantities produced at that time, one could have dealt with an enemy such as Poland, for instance, but not with other enemies" (Tr. 11606, see Par. 46, Part II, supra).

(33) The defendants' concept of preparation for defensive war is further shown by a report of KRAUCH as to the state of mobilization of synthetic gasoline and fuel oil, wherein he reports:

"The economic area of greater Germany is too small to satisfy the military economic requirements as to mineral oil, and the newly and successfully taken up contact with Southern Europe shows us the only and hopeful possibility to insure supplies for the mineral oil economy completely for many years by securing this area by means of the Wehrmacht" (PE 455, p. 27, see Par. 47, Part II, supra. Emphasis supplied).

(34) In simple language, the Defense does not consider preparations for the use of force against a particular country in order to take away from the peoples of that country what belongs to them, an act of aggression, if the conqueror can get away with it and not "kindle international

complications" (PE 2104). This conception that there would be no aggressive war if the big countries would only leave Germany alone whenever she wanted to invade a little country, appears from KRAUCH's discussion with Goering in June 1939. KRAUCH stated that he had told Goering:

"How I had arrived at the idea that a war might happen, and I told him that the times were very serious, and that I was somewhat under the impression that the Munich agreement was not being kept since Germany had invaded Czechoslovakia and that from foreign sources, I had gained the impression the foreign countries would not countenance any further political entanglements, and that they would make war on us. The motto of the day was, 'Stop the aggressor' and that could be seen in all of the newspapers. The opponents with whom we might have gotten into trouble were in the East. Goering asked me at the time, if we do have a war with Poland or Russia, do you believe that France and England will fight on the side of these countries. I answered that in the affirmative at the time. * * * Goering thought that he was informed differently from the Foreign Office * * * and he said, 'You don't have to worry about a war--there won't be any.'"
(Tr. 5142).

(35) The above, read against KRAUCH's reports (PE 509, 455, see Per. 43-49, Part II, supra), demonstrates that under the defense conception of an aggressive war, preparations and planning to commit individual acts of aggression must be considered to be for "defensive purposes" so long as a superior military force is not available to contain the aggressor.

(36) The argument of these defendants runs along the lines that Germany was "seriously threatened by Bolshevism" and that the rearmament of Germany was "a measure for a defensive war." Some defendants have referred to the danger from the East, while others have referred to the danger of invasion from both the East and the West.

(37) With respect to this argument, no evidence has been introduced by the Defense to support the contention that any of these defendants really believed that Germany

was threatened with invasion and that Germany's rearmament was accordingly for defensive purposes. There has been no proof introduced to show that any of these defendants had any reason to believe that Germany would be attacked by any other nation. All the evidence is to the contrary. Although the defendant KRAUCH said that Goering and Hitler had stressed the danger from the East in their speeches in December 1936 (Tr. 5137), at the same time, the defendant KRAUCH testified that the West Wall had been constructed for defensive purposes (Tr. 5114). When questioned as to how he reconciled that the West Wall was erected for "defensive purposes" and that no comparable wall was erected in the East, the defendant KRAUCH spoke of the possibility of a two-front war (Tr. 5445-5447). The defendant KRAUCH thus revealed what he and the other defendants had in mind when they spoke in their testimony of a "defensive war." Apparently, the defendant KRAUCH and the other defendants take the position that if, for example, Great Britain and France had sent a military force into Germany when Germany took over Czechoslovakia by the use of force, then the war which would have ensued would have been a "defensive war" on the part of Germany. In the eyes of these defendants, any action which Germany took to ward off these "international complications" which were "kindled by the invasion of Czechoslovakia" could be justified as a measure of self-defense. This is precisely what these defendants have indicated again and again is at the heart of their concept of what constitutes a "defensive" war as distinguished from an "aggressive" war.

D. "WINDOW DRESSING" AND CREDIBILITY OF DEFENSE

(39) The evidence submitted by the Prosecution consists in the main of contemporaneous documents, either records of various government offices, or of Farben, made at the time

the transactions occurred. In some special fields Farben records were destroyed and the extent of Farben participation was proved by documents captured from various government agencies. As illustrations, the entire story of Farben's relationship to DAG was proved despite the fact that all the central DAG records were destroyed. Farben records dealing with Wehrmacht matters, poison gas, and related fields were destroyed (see PE 561 thru 564), and the deficiencies in some cases were supplied by testimony in the form of affidavits of former Farben employees or former employees of the government agencies involved.

(39) The nature of the evidence, however, offered by the Defense consisted in the main of affidavits by former Farben employees, a substantial number of whom were not made available for cross-examination. If we take the results of the cross-examination of the defense affidants who were made available for cross-examination, as being representative of the defense affidants, then the conclusion is irresistible that not much weight can be given to the defense affidavits. With respect to the evidence in Count II, see Part III of this brief. The most striking example is the affidavits submitted by the Defense in connection with Count III. Of fifteen inmate affidavits, two non-criminal affidants submitted for cross-examination testified substantially the same as the Prosecution witnesses had previously testified. Thereafter, the affidavits of the eight remaining non-criminal inmates were withdrawn by the Defense, although a number of them had already arrived in Nurnberg. The remaining five had criminal records involving convictions for perjury, larceny, fraud and other felonies (including in one case a prohibition against appearing as a witness or making an affidavit under oath). See Part IV, para. 142 thru 157 of this brief.

(40) Many affidavits were submitted which were made by affiants residing abroad, whom the Defense knew would not be available for cross-examination, and yet in some of these cases, the "coloring" in such affidavits was brought out on cross-examination. One striking example of this was in the case of the defendant GAJEWSKI, who submitted an affidavit of one Ollendorf, former Vorstand member, who is residing in Argentina. GAJEWSKI told the story of having continuously gotten into trouble with the Gestapo and the SS because of his opposition to the practices of the Nazi Party and that at great personal risk he befriended various Jewish persons, and he submitted Dr. Ollendorf's affidavit, among others, to substantiate the fact that he befriended such Jewish persons. Cross-examination brought out that Ollendorf was arrested by the Gestapo on GAJEWSKI's order and then GAJEWSKI was helpful in securing his release from a concentration camp. GAJEWSKI never told this affiant that it was he who caused his arrest and detention in a concentration camp (Tr. 8325-8327), but he nevertheless submitted Ollendorf's affidavit to show that GAJEWSKI helped him get out of a concentration camp.

(41) Another illustration reflecting more seriously on the credibility of the Defense relates to their denial of the charge that Forben made substantial contributions to Himmler and the SS in order to secure favorable treatment from the SS in making available to Forben concentration camp inmates. The Prosecution, in support of this charge, offered documentary proof that in December 1941, SCHMITZ and BUZEFISCH contributed 100,000 RM to Himmler through the Himmler Circle. Similar contributions were made annually thereafter. Since this was the first substantial contribution that Forben made to the SS, the Prosecution attached special significance to it in view of the fact that it was at this time that the Auschwitz Buna plant of Forben was being

constructed. The fact of the contribution could not be denied. The purpose for which it was made, however, was denied. KRAUCH, on the witness stand, stated that SCHMITZ had told him around Christmas time of 1941 that the SS had approached him for a contribution and that SCHMITZ asked KRAUCH for his advice. KRAUCH advised against it (so he says). A few weeks after, KRAUCH stated SCHMITZ told him that he had made a substantial contribution to the SS because (so KRAUCH testified) SCHMITZ told him that through this contribution, they would be in a better position to help secure the release of Arthur Weinberg from a concentration camp (Tr. 5158). This reason was demonstrated by the Prosecution to be false. The son-in-law of Arthur Weinberg (Count Sprati) submitted an affidavit on behalf of the Defense in which he set out that Forben, particularly the defendant SCHMITZ, helped or endeavored to help secure the release of Weinberg and intervened with Himmler for that purpose. Cross-examination of this witness brought out that Arthur Weinberg was deprived of his liberty for the first time in June 1942, when he was taken to the concentration camp (Tr. 13066). And so Arthur Weinberg was placed in a concentration camp six months after SCHMITZ contributed 100,000 RM to Himmler and the SS. And yet KRAUCH stated that the reason why this contribution was made in December 1941 to the SS, was because they wanted to help Weinberg get out of the concentration camp (Tr. 5159).

(42) In addition to the unsubstantial nature of the affidavits offered by the Defense, a special line of explanation was adopted in connection with the contemporaneous documents submitted by the Prosecution:--the defense of "window dressing." Where particularly significant admissions appeared in a Forben document, the explanation offered by the Defense was that the wording used was "window dressing" so that the Party officials and the government agencies, would not think that Forben was uncooperative.

(43) When the minutes of the Commercial Committee meeting of Farben in May 1938, stated that after having received a report from its agent in Czechoslovakia as to the political situation in the Sudeten area, Farben decided to employ "Sudeten Germans for the purpose of training them with I. G. in order to build up reserves to be employed later in Czechoslovakia" (PE 833, 1512),--the following explanation was made (Tr. 2033, 2034):

"* * * When the development in Czechoslovakia started, everybody could see that Hitler planned to get the German part of Czechoslovakia back. * * * We in the I. G. had also some imagination and read in the papers the atrocity against Sudeten-Germans * * * but knowing that Hitler had success in his foreign political actions without being stopped by anybody * * * when he occupied Austria, he was not stopped by anybody--that he might succeed without causing a war by regaining the German part of Czechoslovakia. The point to us in the I. G. was to be in case such thing happened, a little more careful than in the case of Austria, in other words, when Hitler succeeded, which he did, by getting Czechoslovakia in a peaceful way, not to find the I. G. again having done nothing. This resulted that we asked our representatives in Czechoslovakia * * * not to continue to employ the non-Aryan lawyers * * * but for window dressing, we employed some Sudeten-German lawyers. In the same way we had to see that we had not too many national Czechs in our employ."

(44) This version of window dressing--the May 1938 meeting of the Commercial Committee, occurred two months after the 11 March 1938 meeting where with the invasion of Austria imminent, the Committee discussed whether "there would not also take place the short thrust into Czechoslovakia with all the international complications which would be kindled by it" (PE 2014).

(45) GAJEWSKI testified that the new plant for film was constructed at Landsberg in 1938 and was unrelated to rearmament. He was shown a letter addressed to him (PE 1947) which referred to some verbal statements that he made to the Reich Ministry of Economics, "about the purposes and aims you have for the

construction of a new film factory", which listed the following as the first reason:

"In order to enable the Air Force to cover its requirements of aerial film in accordance with the demands of the Reich Air Ministry, from another I. G. Farben production plant apart from the film factory Wolfen."

Of this he said (Tr. 6313):

"When I went to build a plant for color film, I can't tell the authorities at a time like that that I went to make color film. * * * They would have said, 'I won't give you any iron for that.' But if I go to them and say, 'I want to make aerial film too', then I get it immediately. * * * I pretended something to give us an excuse so we could get approval. * * *

Q. Now, Dr. GAJDANSKI, do I understand you to say that you intended to deceive the Wehrmacht with respect to the purpose of construction of this plant?

A. Well, deceived--let's call it 'window dressing'.

Q. Well, would that have been sabotage in the Third Reich?

A. One could interpret it that way. * * *

(46) AMEROS had testified that the Francolor plants were kept in production to support the French civilian economy. He was asked whether it was not a fact "that the main reason for keeping the Francolor factories running was so that they could produce the products needed by the German Armed Forces", and he replied (Tr. 6063):

"* * * We were now entering a field that was window dressing at the time, as it is called. Certainly when certain documents were mentioned that the (German) Army had a direct or indirect interest, for otherwise this Francolor would not have received one gram of coal."

When he was shown a document (PS 1907), which stated:

"At a conference in the Economic Department of the Military Commander with leaders of I. G. Farben, new suggestions were made by the I. G. Farben for the transfer of both the direct and indirect requirements of the Armed Forces to plants belonging to Francolor."

and he was asked whether that refreshed his recollection that

he attended the conference and made the suggestions, he replied (Tr. 8064):

"* * * For the direct needs of the Armed Forces. That's window dressing."

(47) When he was shown a document in which he requested the military authorities to make coal available so that the Francolor plants could carry out the production schedule for the German Armed Forces, he replied (Tr. 8065):

"* * * I did endeavor to procure coal for Francolor in order to keep them going. Since the distribution of coal was under the control of the Military Administration, I always had to report for window dressing purposes * * *."

(48) VON KRUEGER, in explaining his memorandum of June 1944, in which he set out in detail the benefits from the military viewpoint, which Farben got from Standard Oil (PE 974), -ve - new version of "window dressing" (Tr. 8670) in that he played up Farben's role so that it would look good if they became subject to proceedings before a People's Court (Tr. 8558-8560).

(49) HAEFLIGER was asked about a letter written by VON DER HEYDE on 11 August 1939 (PE 8018) which stated:

"However, against this personal intention (of HAEFLIGER), the Vorstand of our firm asked him in view of the export interest of the Reich and our concern, and especially in view of possible war mobilizations, to abstain from acquiring the German citizenship. In regard to the question whether Director HAEFLIGER should require German citizenship or remain of Swiss nationality as hitherto, the consideration that Dr. HAEFLIGER with exclusively Swiss citizenship would be in a position, as an expert in the chemical field, to render Germany very good services, is, in our opinion of great importance. Thus, the possibility is given on the one hand, to have an expert who is loyal to Germany, unobtrusively negotiating abroad questions regarding war - and vitally important imports, and on the other hand to assure through him the direction of the absolutely necessary exports which then still would be possible" (our emphasis).

HAEFLIGER said that KRUEGER "arranged the affair in his own way" (Tr. 9243). (See further discussion on this subject in

HAEFLIGER's individual brief, Per. 9). In any event, it is clear that the reason HAEFLIGER kept his Swiss citizenship was for "window dressing" purposes, but the "window dressing" was for non-German consumption.

(50) In the light of this "window dressing" defense, we are now asked to believe that the oral testimony of the defendants (considering also their collective "corrections of errors" in Krasnaburg prison), and of their affiliates, rarely supported by contemporaneous documents, is "the truth, the whole truth, and nothing but the truth."

MICROCOPY

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